

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

PROCEEDINGS BEFORE THE 785th )  
MARICOPA COUNTY GRAND JURY )  
IN RE: ) 785 GJ 282  
ELIZABETH URIAS, ) CR2020-130075-001  
RICHARD VILLA, ) CR2020-130075-002  
NIKKOLAS AXZUL QUINONES, ) CR2020-130075-003  
NIYEN KING, ) CR2020-130075-004  
JOHAN LUKE IVY, ) CR2020-130075-005  
KHIRY JAQUAN WILSON, ) CR2020-130075-006  
BRUCE ELLIOT FRANKS, ) CR2020-130075-007  
WILLIAM REED, ) CR2020-130075-008  
MALYKA ANN SHIVELY ) CR2020-130075-009

Phoenix, Arizona

August 20, 2020

REPORTER'S TRANSCRIPT OF PROCEEDINGS

(Original)

Scott A. Kindle, RPR  
Certified Court Reporter No. 50711

SUPERIOR COURT  
Phoenix, Arizona

2020 SEP -9 AM 9:00  
K. Spill  
CLERK OF THE  
SUPERIOR COURT  
FILED  
DEP

A P P E A R A N C E S

FOR THE STATE:

NICHOLAS MICHAUD, Deputy County Attorney

MICHAEL BAKER, Deputy County Attorney

GRAND JURORS:

[REDACTED]

[REDACTED] (not present for returns)

[REDACTED]

[REDACTED]

[REDACTED] (Foreperson)

[REDACTED] [REDACTED] (Alternate Foreperson)

[REDACTED] [REDACTED]

[REDACTED] (Clerk)

[REDACTED] [REDACTED] (not present for returns)

[REDACTED]

[REDACTED]

Phoenix, Arizona

August 20, 2020

1  
2  
3 MR. BAKER: Okay. This is 785 GJ 282,  
4 two-eight-two. The time is 1:15 p.m. This is the  
5 investigation of nine individuals, and they are as follows:  
6 Elizabeth, E-l-i-z-a-b-e-t-h, Urias, U-r-i-a-s; Richard,  
7 R-i-c-h-a-r-d, Villa, V-i-l-l-a; Malyka, M-a-l-y-k-a, Ann,  
8 A-n-n, Shively, S-h-i-v-e-l-y; Niyen, N-i-y-e-n, King,  
9 K-i-n-g; Nikkolas, N-i-k-k-o-l-a-s, Axzul, A-x-z-u-l,  
10 Quinones, Q-u-i-n-o-n-e-s; Jonah, J-o-n-a-h, Luke, L-u-k-e,  
11 Ivy, I-v-y; Khiry, K-h-i-r-y, Jaquan or Jaquan,  
12 J-a-q-u-a-n, Wilson, W-i-l-s-o-n; Bruce, B-r-u-c-e, Elliot,  
13 E-l-l-i-o-t, Franks, F-r-a-n-k-s; and finally, William,  
14 W-i-l-l-i-a-m, Reed, R-e-e-d.

15 This investigation involves 26 alleged matters.  
16 They are as follows: One is riot. Two is unlawful  
17 assembly. Three is criminal trespass in the third degree.  
18 It appears that those three are alleged as to all nine of  
19 the individuals. Then we start breaking down individual  
20 matters. Four is aggravated assault. Five is aggravated  
21 assault. Six is also aggravated assault, as is seven,  
22 eight. Those are all alleged as to Mr. Richard Villa.  
23 Nine, 10, also aggravated assault as to Nikkolas Quinones.  
24 Eleven is hindering prosecution in the first degree.  
25 That's as to Niyen King. Twelve, resisting arrest;

SUPERIOR COURT  
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1 thirteen, hindering prosecution, those are as to, both as  
2 to Jonah Ivy. Fourteen is resisting arrest; 15, hindering  
3 prosecution in the first degree. Those are as to Khiry  
4 Wilson. Sixteen, aggravated assault; 17, resisting arrest;  
5 18, aggravated assault, those as to Bruce Franks.  
6 Nineteen, 20, 21, 22, aggravated assault; 23, resisting  
7 arrest; 24, misconduct involving weapons --

8 MR. MICHAUD: It's body armor.

9 MR. BAKER: Oh, excuse me -- misconduct  
10 involving body armor; 25, hindering prosecution in the  
11 first degree, those are as to Mr. Reed. Twenty-six,  
12 aggravated assault, that's as to Ms. Shively.

13 MR. MICHAUD: And just to clarify, Count 8 is  
14 actually resisting arrest as to Richard Villa.

15 MR. BAKER: Which one?

16 MR. MICHAUD: Count 8.

17 MR. BAKER: Okay. To assist you in  
18 determining if probable cause exists in these matters, the  
19 following statutes may be appropriate for your  
20 consideration: A.R.S. 13-105; 301 through 304 inclusive,  
21 the accomplice statutes; 1203, 1204 for aggravated assault;  
22 1501, 1504 for criminal trespass; 2508 for resisting  
23 arrest; okay, our hindering statutes, 2510, 2512, okay; as  
24 to riot and unlawful assembly, 13-2901, 2902, and 2903;  
25 misconduct involving body armor, 3101 and 3116.

1           According to our records, A.R.S. 13-105, 301  
2 through 304 inclusive, 1203, 1204, 1501, 1504, 2508, 2510,  
3 2512, and 3101 were all read to the Grand Jury on  
4 June 17th, 2020, with all members of the Grand Jury  
5 present.

6           According to our records, A.R.S. 13-2901, 2902,  
7 2903, and 3116 need to be read to the Grand Jury today.

8           Did you bring any of those?

9           MR. MICHAUD: No, I did not.

10          MR. BAKER: Hold on. Time out while I go do  
11 some printing.

12          (Recess.)

13          MR. BAKER: Okay. So let's go about reading  
14 some statutes. We will start with 13-2901. You may be  
15 expecting this to be definitional, and it is. Okay.

16          13-2901 -- Definitions.

17          In this chapter, unless the context otherwise  
18 requires:

19          1. Quote, marijuana, unquote, means all parts of  
20 any plant of the genus cannabis, from which the resin has  
21 not been extracted, whether growing or not, and the seeds  
22 of such plant. Marijuana does not include the mature  
23 stalks of such plant, or the sterilized seed of such plant  
24 which is incapable of germination.

25          2. The part that is actually relevant to this

1 investigation is the definition of the word public. So  
2 quote, public, unquote, means affecting or likely to affect  
3 a substantial group of persons.

4 We'll move on to -- let me do them in order.  
5 13-2902. Again, mercifully, one page. Okay.

6 13-2902. Unlawful assembly; classification.

7 A. A person commits unlawful assembly by:

8 1. Assembling with two or more other persons with  
9 the intent to engage in conduct constituting a riot as  
10 defined in section 13-2903; or

11 2. Being present at an assembly of two or more  
12 persons who are engaged in or who have the readily apparent  
13 intent to engage in conduct constituting a riot as defined  
14 in section 13-2903 and knowingly remaining there and  
15 refusing to obey an official order to disperse.

16 B. Unlawful assembly is a class 1 misdemeanor.

17 Moving on to 2903. 13-2903. Riot;  
18 classification.

19 A. A person commits riot if, with two or more  
20 other persons acting together, such person recklessly uses  
21 force or violence or threatens to use force or violence, if  
22 such threat is accompanied by immediate power of execution,  
23 which disturbs the public peace.

24 B. Riot is a class 5 felony.

25 And finally, 13-3111. Okay. 13-3111 --

1 Misconduct involving body armor; classification;  
2 definition.

3           A. A person commits misconduct involving body  
4 armor by knowingly wearing or otherwise using body armor  
5 during the commission of any felony offense.

6           B. Misconduct involving body armor is a class 4  
7 felony.

8           C. For the purposes of this section, quote, body  
9 armor, unquote, means any clothing or equipment designed in  
10 whole or in part to minimize the risk of injury from a  
11 deadly weapon.

12           Okay. So having noted A.R.S. 13-105, 301 through  
13 304 inclusive, 1203, 1204, 1501, 1504, 2508, 2510, 2512,  
14 3101 and having read A.R.S. 13-2901, 2902, 2903, and 3116,  
15 are there any members of the Grand Jury who would like to  
16 have any of the statutes reread or clarified at this time?

17           I will take it by your silence that the answer is  
18 no.

19           The record should reflect that copies of all  
20 statutes previously read to the Grand Jury as well as the  
21 ones read today have been provided for your use during  
22 these investigations.

23           Okay. The name of the alleged victims in this  
24 matter, we'll be going with the State of Arizona as well as  
25 the following individuals, okay, the City of Phoenix; Alex,

1 A-l-e-x, Levi, L-e-v-i, Volk, V-o-l-k; Eric, E-r-i-c, Coda,  
2 C-o-d-a; Rikki, R-i-k-k-i, Woolgar, W-o-o-l-g-a-r; Timothy,  
3 T-i-m-o-t-h-y, Lynch, L-y-n-c-h; Doug, D-o-u-g, McBride,  
4 M-c-B-r-i-d-e; Bruce, B-r-u-c-e, Franks, F-r-a-n-k-s --

5 MR. MICHAUD: That's one of the suspects.

6 MR. BAKER: Oh, oh, not a victim in this  
7 particular case.

8 GRAND JUROR [REDACTED]: Scratch Bruce Franks?

9 MR. BAKER: Bruce Franks, not a victim.

10 Eric, E-r-i-c, Zopf, Z-o-p-f; Christopher  
11 C-h-r-i-s-t-o-p-h-e-r, Gallegos, G-a-l-l-e-g-o-s; Derek,  
12 D-e-r-e-k; Pulliam, P-u-l-l-i-a-m; Carlos, C-a-r-l-o-s,  
13 Velasquez, V-a -- V-e-l-a-s-q-u-e-z; Bobbi, B-o-b-b-i,  
14 Kozad, K-o-z-a-d.

15 Is that all of them?

16 MR. MICHAUD: Yes.

17 MR. BAKER: Okay. The witness who is here to  
18 testify today is --

19 MR. MICHAUD: It's Ben Zamora.

20 MR. BAKER: -- Officer Benjamin Zamora,  
21 Z-a-m-o-r-a, number 9117 with the Phoenix Police  
22 Department.

23 Okay. Let the record reflect the entire Grand  
24 Jury is -- oh, I don't think I told you when all this  
25 happened. That was August 9th, 2020. I believe our main



1 location will be 620 West Washington Street, Phoenix,  
2 Maricopa County, Arizona.

3 Okay. Let the record reflect the entire Grand  
4 Jury is present with the exception of Grand Jurors  
5 Anderson, Brumand, Highfill, and Lindley.

6 Also present in the Grand Jury room today is  
7 Deputy County Attorney Nicholas Michaud, duly authorized by  
8 Arizona state law to present evidence before this Grand  
9 Jury panel.

10 Ladies and gentlemen, the subject matter of this  
11 investigation may have received some attention and exposure  
12 in the news media. At this time Mr. Michaud is going to  
13 provide you with a brief summary of this investigation.

14 MR. MICHAUD: Yes. Ladies and gentlemen,  
15 this investigation involves a demonstration, well, what  
16 began as a demonstration on August 9th of 2020. That was a  
17 couple weeks ago close to last week. It involved  
18 approximately 50 persons and devolved into what police  
19 categorized as a riot. The people involved destroyed  
20 public barriers, used those barriers as weapons, stormed  
21 the grounds of 620 West Washington, which is the Phoenix  
22 police headquarters, and committed various assaults on  
23 officers and prevented other officers from attempting to  
24 arrest the people that committed those assaults. That's  
25 what the evidence will demonstrate, at least. That did

1 receive media attention and was on local news, so I suppose  
2 you'll let us know if anybody has heard any of it.

3 MR. BAKER: Is there anyone on the Grand Jury  
4 who has read, heard, or seen anything in the news media  
5 regarding this investigation?

6 Okay. For those two of you who have your hands  
7 up, please keep them up because the next two questions will  
8 be directed specifically to you. Okay. Would the fact  
9 that you have been exposed to media coverage in any way  
10 interfere with or hinder your ability to act fairly,  
11 impartially, and without prejudice in connection with this  
12 matter?

13 GRAND JUROR [REDACTED]: No.

14 GRAND JUROR [REDACTED]: No.

15 MR. BAKER: And also for the two of you, any  
16 decision made by this Grand Jury in connection with this  
17 matter must be based solely upon the evidence presented  
18 during this hearing. Is there anyone on the Grand Jury  
19 panel who because of his or her exposure to the media would  
20 not be able to render a decision in this matter based  
21 solely upon the evidence presented during this hearing?

22 GRAND JUROR [REDACTED]: No.

23 GRAND JUROR [REDACTED]: No.

24 MR. BAKER: For everyone on the Grand Jury,  
25 if at any time during the course of this investigation you

1 realize that you have you had media exposure that would in  
2 any way affect you ability to sit as a fair and impartial  
3 juror, please request to be excused.

4 You are further admonished that the summary of  
5 facts you were just given is not evidence and should be  
6 disregarded entirely in your determination of whether or  
7 not probable cause exists in these matters.

8 So again let's note the presence of the entire  
9 Grand Jury with the exception of Grand Jurors Anderson,  
10 Brumand, Highfill, and Lindley.

11 Those admonitions read to you this morning  
12 concerning persons disqualified from serving as Grand  
13 Jurors are applicable.

14 And I will take it by your silence that those  
15 admonitions do not apply to you.

16 GRAND JUROR [REDACTED]: One of the names of one  
17 of the suspects is familiar to me. However, I don't know  
18 if it's the person who -- if it's the actual person that I  
19 know. Is that something that I should make aware?

20 MR. BAKER: Well, let's do a little more  
21 inquiry.

22 GRAND JUROR [REDACTED]: Bruce Elliot Franks.

23 MR. MICHAUD: Yeah. That is one of the  
24 people named in this investigation. He's also maybe I  
25 guess I could generalize the person as an older gentleman

1 in his probably 50s or 60s.

2 GRAND JUROR [REDACTED]: No. Different person.

3 MR. BAKER: Okay. Don't know him?

4 THE FOREPERSON: We're about to consider the  
5 matter of 785 GJ 282 and the investigation involving the  
6 individuals named. The usual admonition applies.

7 BENJAMIN ZAMORA,

8 called as a witness herein, having been first duly sworn,  
9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. MICHAUD:

12 Q. All right. Officer, thank you for joining us. If  
13 you can, can you please repeat and spell your name and tell  
14 us where you work.

15 A. My name is Benjamin Zamora, Z-a-m-o-r-a, and I'm  
16 an officer with the Phoenix Police Department.

17 Q. All right. And thank you for joining us. What is  
18 your current assignment? Where do you currently work?

19 A. I work out of the Maryvale Estrella Precinct and  
20 I'm on the community action squad and then I am also a  
21 Tactical Response Unit officer that supports functions  
22 where we're needed.

23 Q. Okay. So, and that was actually going to be my  
24 next question. So you're a member the Tactical Response  
25 Unit, also known as the TRU; is that right?

1 A. Yes, sir.

2 Q. Can you tell us a little bit more about what they  
3 do or what you guys have been doing recently?

4 A. TRU, we've been deployed, I should say TRU staff  
5 has been deployed every day since May 26th beginning with  
6 some civil unrest in Phoenix, and our job is to help  
7 maintain order, to help facilitate peaceful demonstrations,  
8 and then also when things become unlawful or conduct  
9 constitutes an unlawful assembly or riot to help protect  
10 both property and persons in the area.

11 Q. Okay. Is it your goal as members of the TRU  
12 especially in recent times to allow for peaceful protests  
13 and actually protect peaceful demonstrations --

14 A. Yes, sir.

15 Q. -- from criminal elements or potential violence?

16 A. Yes. Very often we have, you know, two parties of  
17 protestors or demonstrators that have different opinions on  
18 matters, and we try to facilitate them to peacefully  
19 express their opinions and their views at locations that  
20 they organize themselves. And we do try to make sure that  
21 they can peacefully say what they need to say or express  
22 themselves and make sure that both parties are safe, and we  
23 try to remain impartial at all times.

24 Q. Okay. And you mentioned that your unit has  
25 essentially been deployed since May 26th of this year; is

1 that right?

2 A. Yes. So the TRU function essentially the core of  
3 it is the Downtown Operations Unit, which is a group of  
4 officers that work strictly downtown area and downtown  
5 functions. Then all the precincts have individual what  
6 they call neighborhood enforcement teams and community  
7 action teams, which I'm on the community action team, and  
8 we all have to be TRU certified to support on larger-scale  
9 protests, demonstrations, you know, things of that nature  
10 when political figures come to town, et cetera where they  
11 need support of large officers or a large group of  
12 officers.

13 Q. And specifically since May 26th and specifically  
14 related to the downtown area in and around the police  
15 headquarters, 620 West Washington, has your unit been  
16 deployed and has your unit seen extensive property damage  
17 in that area over those intervening months?

18 A. Yes. I witnessed it firsthand. I was deployed  
19 multiple days in a row beginning May 26th. I think the  
20 longest day I had was 20 plus hours and experienced  
21 multiple riots firsthand, multiple assaults with large  
22 rocks hitting both me, my Tahoe, causing extensive damage,  
23 broken-out windows to my police vehicle, other officers I  
24 worked with who had tires slashed, extensive damage while I  
25 was on a skirmish like in front of the police headquarters

1 where they broke out windows. We had a IED thrown at us at  
2 one time which appeared to be a large commercial-grade  
3 firework with some sort of metal attached to it.  
4 Thankfully it didn't detonate properly. But those are  
5 things that I --

6 Q. And I just wanted to get a general flavor of  
7 what's been going on. So have you seen extensive property  
8 damage to civilian buildings and private buildings in that  
9 area as well?

10 A. Yes.

11 Q. And you touched upon it, but my next question was  
12 going to be have you guys seen instances of assaults  
13 against people, projectiles thrown, things like that. It  
14 sound like the answer is yes; is that correct?

15 A. Yes. Definitely.

16 Q. Okay. So as a matter of context I wanted to ask  
17 about that, but I want to ask you, let's talk specifically  
18 about August 9th of 2020. Were you and other members of  
19 the Phoenix police TRU on duty that evening?

20 A. Yes. I was assigned to Sergeant Palmer's squad.

21 Q. Okay. And as I understand it, you and others were  
22 inside of the police headquarters at 620 West Washington;  
23 is that correct?

24 A. Yes, sir.

25 Q. What was going on outside in the early hours or

1 the late hours of the afternoon and the early hours of the  
2 evening on that day?

3 A. A demonstration began at a nearby plaza, and then  
4 the demonstrators began marching through downtown Phoenix,  
5 ultimately with their final destination set to be police  
6 headquarters located at 620 West Washington Street.

7 Q. Okay. City property?

8 A. Yes.

9 Q. Now I want to ask a few questions about that group  
10 before we get into specifics of what individuals have done.  
11 As I understand it, the group that ended up at 620 West  
12 Washington at about 7:00 p.m. was at least 50 people; is  
13 that correct?

14 A. Yes, sir. I estimated it to be approximately 50  
15 people.

16 Q. Fifty people. Okay. So we're talking about a  
17 group of 50 people at this point, and it ended at 620 West  
18 Washington or arrived at 620 West Washington around  
19 7:00 p.m.; is that correct?

20 A. Yes, sir.

21 Q. Okay. Now, one of the leaders of this, of this  
22 demonstration, at least what was a demonstration at that  
23 time was a man named Bruce Franks; is that correct?

24 A. Yes, sir.

25 Q. Okay. And --



1 A. Bruce Franks Jr. I apologize.

2 Q. Okay. Date of birth of approximately 9/22/1984?

3 A. Yes. That is correct.

4 Q. Okay. Now, he was advertised at least as one of  
5 the leaders via social media; is that correct?

6 A. Yes. He had promoted the event on multiple social  
7 media platforms to include Instagram.

8 Q. And it had been arranged that this would end at  
9 the 620 West Washington police headquarters; is that  
10 correct?

11 A. Yes, sir.

12 Q. And in fact, Bruce Franks himself made a statement  
13 on social media that the purpose that it was ending there  
14 at that police headquarters location was so that they can  
15 not only hear us, but they can feel us; is that correct?

16 A. Yes, sir.

17 Q. Okay. With that context, let's talk about a few  
18 of the things that were done. Generally speaking, it's  
19 correct that there were certain barricades that had been  
20 erected for protection of property, and those were torn  
21 down and destroyed by this group of 50 people; is that  
22 correct?

23 A. Yes, sir.

24 Q. Okay. And before we get into specifics, portions  
25 of that barrier were actually thrown at officers --

1 A. Yes.

2 Q. -- in order to strike them?

3 A. Yes.

4 Q. Okay. In fact, knocking at least one of them  
5 over; correct?

6 A. Knocking one of them back. It struck him and he  
7 lost his balance and fell backwards.

8 Q. Okay. Beyond that, other officers -- we're going  
9 to get into the specifics later -- were struck and attacked  
10 by individuals and groups; is that correct?

11 A. Yes.

12 Q. Okay. Individuals in this group tried to take  
13 control of the shields that these officers were holding;  
14 correct?

15 A. Yes.

16 Q. Okay. And this group of 50 people after this  
17 barricade was taken down ended up running onto the property  
18 of 620 West Washington, the police headquarters; correct?

19 A. Yes, sir.

20 Q. And when given orders to leave, did they refuse to  
21 do that?

22 A. Yes. They refused to leave.

23 Q. Okay. And how were those orders given?

24 A. It's through a device that we call LRAD. It  
25 stands for -- I would have to refer to the report, but long

1 range acoustic device or something. It's essentially a  
2 huge amplified speaker that makes very loud or that  
3 basically takes whatever you're saying and amplifies it so  
4 that a large group or crowd in a noisy environment can hear  
5 what officers or whomever it is trying to make  
6 announcements are saying.

7 Q. Is that a device that's designed to be clearly  
8 audible for several city blocks?

9 A. Yes.

10 Q. Okay. So if that device was deployed, people in  
11 the immediate area wouldn't be able to say that they  
12 couldn't hear it or hear those commands; correct?

13 A. Yes.

14 Q. Okay. When was the LRAD deployed on August 9th?

15 A. I believe they -- it was deployed to the east side  
16 of the building, and I believe they began making  
17 announcements at 7:05 p.m. or 1905 hours.

18 Q. And what spurred police to make that decision to  
19 make that notification?

20 A. The unruliness of the assembly, their intent.  
21 They had already knocked over the pedestrian fencing that  
22 we established around police headquarters and shown no  
23 regard to paying attention to it. They marched right to  
24 the front of the police headquarters doors where officers  
25 felt that there was fear that they might try to break in or

1 damage the property.

2 Q. Okay. And specifically this order that's given on  
3 the LRAD is an order to disperse?

4 A. Yes. It's typically an order to disperse. I  
5 believe what they said at that point in time was leave the  
6 property now --

7 Q. Okay.

8 A. -- or something to that effect.

9 Q. And did this group of 50 people, did the bulk of  
10 them ignore that command?

11 A. Everybody that I could tell ignored the commands  
12 given over the LRAD.

13 Q. Okay. And they continued to do some of the things  
14 that we're about to talk about in this investigation;  
15 correct?

16 A. Yes.

17 Q. Okay. Before I talk about the specifics of what  
18 these individuals did, what was the purpose of the fencing?  
19 Why was the fencing there?

20 A. Our police headquarters, like as I mentioned  
21 earlier, it sustained extensive damage since May 26th.  
22 They had to replace and board up the plate glass windows  
23 out front multiple times, tagging. In addition to it being  
24 police headquarters, we don't -- it's not just police  
25 officers inside there. We do have civilian personnel. So

1 it's for the safety of both the officers who are in there  
2 and the civilian personnel that are in there for the  
3 headquarters. So our headquarters and many other  
4 businesses throughout the city erected temporary fencing or  
5 some sort of protection on their properties to help keep  
6 these sorts of things from continuing to happen.

7 Q. As far as disturbing the public is concerned, did  
8 what this group of 50 people or so did on that evening  
9 interrupt normal police activities?

10 A. Yes.

11 Q. Did it interrupt traffic and nearby commercial  
12 activities?

13 A. Extensively.

14 Q. Okay. Okay. It obstructed traffic as well, just  
15 to be clear?

16 A. Yes. So the officers that were working a monitor  
17 as they're demonstrating or protesting through downtown and  
18 they're given multiple commands throughout to exit the  
19 roadway to which they did not abide. Multiple times  
20 vehicles had to turn around and do U-turns from the  
21 obstructions and have officers direct them to drive the  
22 wrong one on one-way streets to get out of the area.

23 Q. Okay. And as part of the order to disperse, were  
24 they told to get out of the streets and off of City of  
25 Phoenix property?

1           A.    I believe -- I don't know exactly what they said  
2 for get off the streets, but I know they said get off  
3 police property, so whether that was to move back to the  
4 roadway which I believe was blocked off for the safety of  
5 everything going on.

6           Q.    Okay. Understood. With that, I would like to  
7 start talking about some of the individuals in this  
8 investigation. The first one I want to talk about is  
9 actually an individual named Jonah Ivy. Now -- well,  
10 before I do that, let me ask you this. We have nine  
11 individuals listed here: Elizabeth Urias, Richard Villa,  
12 Malyka Ann Shively, Niyen King, Nikkolas Quinones, Jonah  
13 Ivy, Khiry Jaquan Wilson, Bruce Elliot Franks, and William  
14 Reed. Are you familiar with the investigations into all  
15 those individuals?

16          A.    Yes, I am.

17          Q.    Were all of them identified as being present and  
18 among this group of 50 people that ignored the orders to  
19 disperse and was on 620 West Washington property?

20          A.    Yes.

21          Q.    Okay. Thank you. Since that's true of all of  
22 them, I'll refer to all of them in that manner. Let's  
23 speak about Jonah Ivy first. Jonah Ivy was one of those  
24 people who was there; right?

25          A.    Yes, sir.

1 Q. And in fact, Jonah Ivy was one of the people who  
2 was participating in shaking and toppling that fencing that  
3 was designed to protect the civilians and people at the  
4 police station; correct?

5 A. Yes.

6 Q. Was he seen doing that by police officers?

7 A. Through the video. I did not see him firsthand.

8 Other officers shared that back to me as the officer  
9 writing the original report for the entire event.

10 Q. So other officers saw that, saw him doing this?

11 A. Yes, sir.

12 Q. And this was recorded on their body camera  
13 devices; is that right?

14 A. I believe it was either witnessed by them through  
15 the doors at 620 or the surveillance cameras. We have a  
16 Strongwatch camera, which is a mobile truck that we have a  
17 big telescoping pole that goes in the air and it records  
18 these demonstrations, and then the surveillance cameras  
19 around police headquarters.

20 Q. So all this footage is reviewed in the process of  
21 determining who is present and what they're doing; is that  
22 correct?

23 A. Yes, sir.

24 Q. Okay. So Jonah Ivy was observed being one of the  
25 people trying to -- toppling that pedestrian fencing; is

1 that correct?

2 A. Yes, sir.

3 Q. And after having destroyed that property, he then  
4 entered the restricted area on 620 West Washington; is that  
5 right?

6 A. Yes.

7 Q. Okay. And he then ignored those orders to  
8 disperse that were issued by the LRAD device?

9 A. Yes.

10 Q. Now I am going to make reference to another person  
11 involved here in this investigation. We have talked a  
12 little bit about Bruce Franks as one of the leaders of this  
13 event from the 9th. And before we get into detail about  
14 exactly what he did, let me just ask you this generally.  
15 Did he charge at a group of officers and ram them with his  
16 body while having his arms interlocked with another person  
17 who was in this investigation?

18 A. Yes, sir.

19 Q. Okay. Did he then struggle with officers when  
20 they attempted to arrest him for doing that action,  
21 charging at them like that?

22 A. Yes, sir. He resisted arrest.

23 Q. Okay. As a portion of that resist arrest and as a  
24 group, is it true that several individuals tried to swarm  
25 Bruce Franks to prevent police officers from arresting him



1 after he charged police?

2 A. Yes. Multiple persons swarmed him to try to  
3 prevent the arrest of Bruce Franks.

4 Q. Okay. Is one of those persons Jonah Ivy?

5 A. Yes, sir.

6 Q. And did he do that by grabbing on to Bruce Franks  
7 and putting him in a bear hug and trying to wrench him away  
8 from the grasp of police officers?

9 A. Correct. Him and Khiry Wilson essentially  
10 simultaneously were doing that to Bruce Franks.

11 Q. Okay. Let me ask you this. Is this a tactic that  
12 is common among demonstrations or riots like these?

13 A. Yes, very common.

14 Q. Okay. Do they typically use these kinds of,  
15 quote-unquote, de-arrest strategies to prevent police from  
16 taking people into custody?

17 A. Yes, all the time.

18 Q. Okay. Is that something that's been especially  
19 happening since May 26th of this year?

20 A. Yes, sir.

21 Q. Okay. It's a tactic essentially where the crowd  
22 envelops these individuals to make it very difficult for  
23 police to even get hold of them or if police are able to  
24 get ahold of them to kind of pull them away by using  
25 multiple people to make it too difficult for police to

1 arrest them?

2 A. Correct, because we usually have a skirmish line  
3 of shields and arrest teams behind, so you usually have a  
4 limited resource of officers trying to effect the arrest,  
5 so you could actually easily be overrun.

6 Q. And that's really the purpose is to overwhelm  
7 police officers so that they can't arrest people who have  
8 committed assault?

9 A. Yes, sir.

10 Q. Okay. So Jonah Ivy saw that police were  
11 attempting to arrest Bruce Franks; is that right?

12 A. Yes.

13 Q. All of these police in uniform with police  
14 insignias with police equipment?

15 A. Yes. We were all in our required TRU uniforms.

16 Q. The order to disperse had already been issued?

17 A. Yes.

18 Q. And police were telling him verbally, Bruce  
19 Franks, that he was under arrest?

20 A. Correct. Lieutenant Zopf actually told Jonah that  
21 he was interfering with the arrest and to stop.

22 Q. Did Jonah stop?

23 A. No.

24 Q. Okay. And in fact, based on the fact that Jonah  
25 Ivy interfered with the arrest of Bruce Franks, responded

1 to the arrest by placing Bruce Franks in a bear hug so that  
2 he couldn't be arrested, police decided that they needed to  
3 arrest Jonah Ivy as well; is that right?

4 A. Yes.

5 Q. And while trying to arrest Jonah Ivy, he resisted  
6 police efforts by continuing to hold on to Bruce Franks so  
7 that they couldn't pull away and put him in handcuffs; is  
8 that right?

9 A. Correct.

10 Q. And you mentioned that Khiry Williams or Khiry  
11 Wilson -- excuse me -- engaged in similar behavior?

12 A. Yes, sir.

13 Q. And we're going to talk about him in a little bit,  
14 but the next person I do want to talk about is Richard  
15 Villa. Now, Richard Villa was one of the group of 50 that  
16 were present at 620 West Washington; correct?

17 A. Yes, sir.

18 Q. He's one of the people that ignored the order to  
19 disperse and instead went onto 620 West Washington secure  
20 property?

21 A. Yes, sir.

22 Q. Okay. And he's one of the people who actually --  
23 he's actually the person who grabbed that portion of the  
24 fence that had been ripped apart; correct?

25 A. Yes.

1 Q. And what did he do with it?

2 A. The officers were attempting to erect a piece of  
3 pedestrian fencing that had been toppled. Richard Villa  
4 grabbed the fencing after the officers erected it and  
5 essentially forcefully and violently threw the fencing back  
6 at the four officers, striking one of them, causing him to  
7 fall backwards.

8 Q. Now, those four officers were Officers Lynch,  
9 Woolgar, Coda, and Volk; is that right?

10 A. Yes, sir.

11 Q. And in fact, one of the officers was struck and  
12 knocked off balance and pushed back by it; correct?

13 A. Yes. Officer Lynch.

14 Q. Okay. Now, all four of those officers, however,  
15 were able to see that large piece of fencing coming at  
16 them; right?

17 A. Yes.

18 Q. Now, based on the size of the fencing, based on  
19 the weight of the fencing, based on how it was thrown, did  
20 they believe that they were at risk for serious injury?

21 A. Yes.

22 Q. Were they directly in the path of this fencing  
23 that Richard Villa had thrown at them?

24 A. Yes. All four were directly in front of the  
25 fencing.

1 Q. And as we mentioned, Officer Lynch was in fact  
2 struck by this fencing?

3 A. Yes, sir.

4 Q. Was he injured?

5 A. I believe he might have suffered minor pain, but  
6 no significant or incapacitating injury.

7 Q. Okay. Now I want to, I actually want to jump  
8 back. Before that, before he grabbed the fence and before  
9 he threw it, he was doing something with a skateboard; is  
10 that correct?

11 A. Yes. He was dressed in I believe a total of four  
12 layers of clothing, had a football helmet on, a face mask,  
13 I believe some sort of like shoulder protection or plate  
14 carrier, and he had a skateboard with him, and he was,  
15 before the fence was erected, he was banging his skateboard  
16 two-handed on the ground in front of the officers like very  
17 what I would say is a violent action, but not just like  
18 knocking your skateboard into a post or something, but  
19 two-handed knocking it into the ground as if trying to  
20 intimidate the officers. One of the officers actually  
21 mentioned that after he threw the fencing at them, they  
22 felt that he might try to swing the skateboard at them  
23 after they were knocked back.

24 Q. So he did all of that before he grabbed the  
25 fencing and threw it at those four officers?

1 A. Yes, sir.

2 Q. What did he do after he threw it at those four  
3 officers?

4 A. He backed up and retreated.

5 Q. He ran away?

6 A. He eventually ran away. I don't know how many  
7 minutes thereafter, but he was taken into custody at an  
8 alternate location fleeing from the area.

9 Q. And he was actually taken into custody near  
10 CityScape; is that right?

11 A. Yes.

12 Q. Okay.

13 A. Near Starbucks over there.

14 Q. Okay. And the officers who were going after him,  
15 two of them were Officer McBride and Officer Woolgar; is  
16 that correct?

17 A. Yes, sir.

18 Q. Woolgar being one of the ones that had the fence  
19 thrown at him; right?

20 A. Correct.

21 Q. So those officers obviously recognized him as the  
22 person who threw the fence?

23 A. Yes, sir. And he had a unique football jersey, an  
24 Adrian Peterson football jersey on during this with the  
25 number 21 on it.

1 Q. Okay. When Officers McBride and Woolgar attempted  
2 to detain him, did they tell him he was under arrest?

3 A. Yes. Sergeant McBride told him he was under  
4 arrest multiple times, and a similar tactic albeit by a  
5 smaller group were trying to shield him from the officers  
6 and were moderately interfering with their ability while he  
7 was trying to run away.

8 Q. Okay. Did they eventually have to tackle him to  
9 get him to stop running and to get him?

10 A. Yes.

11 Q. Okay. Did he continue to resist and pull his  
12 limbs away --

13 A. Yes.

14 Q. -- and fight with officers who were trying to  
15 place him in handcuffs?

16 A. Yes.

17 Q. And in fact, during this did Officer McBride  
18 actually or Sergeant McBride -- excuse me -- kind of get  
19 tumbled to the ground during the attempt to actually detain  
20 him as well?

21 A. Yes. As he was chasing, he fell down right as he  
22 was about to grab ahold of him, where he could have been at  
23 risk for injury while trying to effect the arrest.

24 Q. Now, during that day it was about 110 degrees;  
25 right?

1 A. Yes, at least 110. It was extremely hot.

2 Q. Okay. And you said that Richard Villa was wearing  
3 about four layers of clothing?

4 A. Yes.

5 Q. Was he ever asked why he had so much clothes on?

6 A. Not to my knowledge.

7 Q. Okay.

8 A. I would have to refer to the report.

9 Q. That's fine. We don't need to get into that.  
10 I'll just move on to the next person. Next I want to talk  
11 about Malyka Shively. Malyka Shively was also identified  
12 as one of the people who was among that group of 50; is  
13 that correct?

14 A. Yes, sir.

15 Q. Of the group that went onto the city property of  
16 620 West Washington and ignored the orders to disperse?

17 A. Yes.

18 Q. And remained there afterwards?

19 A. Yes.

20 Q. And in fact, she was wearing a dark colored mask  
21 and particular clothing that was captured on tape; is that  
22 right?

23 A. Yes. It was actually like a black face mask.

24 Q. Okay. And while she was there, she approached  
25 what you referred to as the skirmish line; is that right?



1 A. Yes, sir.

2 Q. And that's kind of where the TRU group,  
3 individuals, your group, kind of gather in a line so that  
4 the group doesn't get past them; is that right?

5 A. Correct.

6 Q. Okay. And when she walked up to the skirmish  
7 line, did she do something to any of the particular  
8 officers?

9 A. Yes. She began shoving or impact pushing Officer  
10 Kozad's riot shield.

11 Q. Okay. So she walked up to Officer Kozad and she  
12 pushed her?

13 A. Yes.

14 Q. I mean was that an attempt to kind of disrupt the  
15 skirmish line or push her away or break up the line?

16 A. Correct. Those are all attempts typically to  
17 disrupt the skirmish line to participate in the unruliness  
18 of it all. It all falls into it and then they feed off one  
19 another when those types of behaviors start happening.

20 Q. So she made contact with Officer Kozad and her  
21 equipment, pushed her, but she was, she, Officer Kozad, was  
22 not injured; correct?

23 A. No, she was not injured.

24 Q. Okay. And that was captured on video?

25 A. She was equipped with a body worn camera, and I

1 believe Officer Lopez who was next to her was also  
2 equipped. Everybody on the skirmish line is equipped with  
3 body worn cameras that were active, so it would have  
4 been --

5 Q. She --

6 A. Yeah.

7 Q. -- she being Officer Kozad?

8 A. Yes.

9 Q. Now, Malyka Shively was actually not detained  
10 until the following day where she had been congregated with  
11 others in front of the jail down the street; is that  
12 correct?

13 A. Yes, sir. August 10th at about 12:00 p.m.

14 Q. Also in downtown Phoenix --

15 A. Yes, sir.

16 Q. -- or couple of blocks away? Was she detained  
17 because she was recognized from the events of the previous  
18 evening?

19 A. Yes, sir.

20 Q. Okay. And in fact recognized by her clothing or  
21 by her appearance rather?

22 A. By her appearance rather.

23 Q. Had she changed?

24 A. She had changed, and I don't recall what she was  
25 wearing when she was arrested on that day.

1 Q. When police spoke to her, did she later admit that  
2 she had been wearing what she had been seen wearing, that  
3 dark colored mask and that particular set of clothing?

4 A. Yes. She admitted that and to being present at  
5 the protest the previous day.

6 Q. So she admitted to being at 620 West Washington  
7 when she was seen pushing Officer Kozad?

8 A. Yes, sir, post-*Miranda* interview.

9 Q. Okay. And that's something she admitted to?

10 A. Yes, sir.

11 Q. Not the pushing, but the being there? Excuse me.

12 A. Yes, the being present at the demonstration.

13 Q. Okay. Thank you. And wearing the clothing that  
14 she had been identified?

15 A. Yes, sir.

16 Q. Thank you. Okay. The next person I want to ask  
17 you about is Niyen King. Now, Niyen King was also one of  
18 the people who was among those 50 who were at 620 West  
19 Washington; right?

20 A. Yes.

21 Q. She's also one of the people who were on City of  
22 Phoenix property and ignored the orders to disperse from  
23 City of Phoenix property?

24 A. Yes.

25 Q. Okay. Now, when -- getting back to an incident

1 that we talked a little bit about and this was when police  
2 were attempting to arrest Bruce Franks, Niyen King also was  
3 one of the people who stepped in to kind of interrupt or  
4 get in the way of what police were trying to do after the  
5 man had charged them; right?

6 A. Yes. She was over his left shoulder and appeared  
7 she was pushing on officers or trying to disrupt what was  
8 going on with officers trying to take Bruce Franks into  
9 custody.

10 Q. Now, that goal of disruption, that goal of getting  
11 in the way or shoving is all towards the same thing, trying  
12 to overwhelm police officers so that they could not arrest  
13 Bruce Franks; is that right?

14 A. Yes, sir.

15 Q. Was she detained during her attempts to stop  
16 police from arresting Bruce Franks?

17 A. During the chaos of it all, we were trying to take  
18 multiple primary aggressors in custody. I think she was  
19 handed off through, and she actually escaped back into the  
20 crowd, and she was later arrested by Officer Jesse of  
21 Jetsy. I don't remember the spelling or pronunciation.

22 Q. Jesty, J-e-s-t-y?

23 A. Yes.

24 Q. Okay. But recognized for what she had been  
25 done -- what she had done and what was captured on camera?

1           A.    Yeah.  She was wearing unique clothing, a white  
2  cutoff sleeve with a blue face mask probably similar to me  
3  and a like a neon yellow/green headband.

4           Q.    Okay.  The next person I want to talk about is  
5  Nikkolas Quinones.  Now, he was also one of the people  
6  among the group of 50 who were on private -- the city  
7  property of 620 West Washington; right?

8           A.    Yes, sir.

9           Q.    He's also one of the people that ignored the order  
10 to disperse and continued to be there?

11          A.    Yes, sir.

12          Q.    Okay.  Now I want to talk to you about something  
13 he did reference Officer Volk, V-o-l-k.  When police were  
14 attempting to gain control of that area, 620 West  
15 Washington, they started to kind of move forward at some  
16 point; is that right?

17          A.    Yes.

18          Q.    How does work?

19          A.    Our skirmish line was moving forward to try and  
20 establish somewhat of a safe zone and push them off the  
21 City of Phoenix property back into the roadway, hopefully  
22 back into the south sidewalk on Washington.  Nikkolas was  
23 one of the persons in front of Officer Volk at this time  
24 while the skirmish line was trying to push out.

25          Q.    And is that kind of like a slow, deliberate thing

1 that happens, or are the police charging, for instance, or  
2 are they just moving?

3 A. It's typically very slow and deliberate when it's  
4 to that effect to the extent that what was going on, the  
5 field force commander, who is actually a lieutenant, he  
6 usually gives the march to take, you know, one step or two  
7 steps at a time and then you stop. You reorganize your  
8 line and then, you know, another two steps, and it's a very  
9 slow or you try to make it slow and deliberate. But it's  
10 kind of controlled chaos with a long skirmish line and  
11 different aggressors in different sections of the skirmish  
12 line.

13 Q. Did Nikkolas Quinones respond to these initial  
14 attempts to move forward by not moving backwards, for  
15 instance?

16 A. Yes, sir.

17 Q. Okay. And in fact, there was contact between him  
18 and Officer Volk's shield; is that correct?

19 A. Yes.

20 Q. Now, specifically what happened was after not  
21 moving back and the shield making contact with him or  
22 Officer Volk's shield making contact with him, Nikkolas  
23 Quinones grabbed the top of the shield; is that right?

24 A. Yes, sir.

25 Q. Trying to wrestle it away or trying to take

1 control of that shield?

2 A. Yes. Officer Volk felt like he was trying to take  
3 it away and had to actually like physically brace and like  
4 muscle the shield or try to muscle the shield back because  
5 he was trying to pull it away from him.

6 Q. In the process of Nikkolas Quinones trying to take  
7 control of that piece of police equipment, that riot  
8 shield, is it true that the bottom part of the shield was,  
9 as he was pulling the top, it jammed the bottom part into  
10 Officer Volk's stomach?

11 A. Yes, into his stomach/crotch region. As he was  
12 pulling the shield away, it leveraged back into his waist  
13 as he was trying to maintain control of it.

14 Q. Causing him pain; correct?

15 A. Yes.

16 Q. No injury, but pain?

17 A. Yes. No injury, but pain.

18 Q. There was a touching, a contact?

19 A. Correct.

20 Q. Along with trying to take control of that riot  
21 shield?

22 A. Yes. He was trying to take control of the police  
23 equipment, i.e., the riot shield in this case.

24 Q. How were they able to get Nikkolas Quinones to  
25 stop trying to take control of the shield?

1           A.    The TRU has multiple support officers, and in the  
2 case of this, we have grenadiers that have pepper balls and  
3 impact rounds, and they ended up hitting him with a couple  
4 pepper balls which stopped the assault and he retreated.

5           Q.    Is a pepper ball, and this is going to be a rough  
6 analogy, is it like a paintball kind of a pepper spray?

7           A.    Yes, sir.

8           Q.    Fired from like a device like a paintball gun?

9           A.    Yes.  It looks like a paintball gun, and it shoots  
10 essentially like little paintball type projectiles that  
11 have the pepper spray in them, and causes like coughing and  
12 sneezing and just, you know, the stinging pain of the  
13 impact of a paintball hitting you essentially.

14          Q.    And this was used on him after he tried to take  
15 control of the shield and after he drove the bottom part of  
16 it into Officer Volk's abdomen?

17          A.    Yes, sir.

18          Q.    Okay.  Did he attempt to try to get away after  
19 that?

20          A.    Yes.

21          Q.    Were police able to detain him and take him into  
22 custody as he was trying to get away?

23          A.    Yes.

24          Q.    Now, police were able to speak with him after he  
25 was detained after he was read his *Miranda* rights; is that



1 right?

2 A. That is correct, sir.

3 Q. Okay. And when they spoke with him, he told them  
4 that he was actually from California; correct?

5 A. Yes.

6 Q. And that he was traveling with a van, with a group  
7 in a van and had arrived at this location, 620 West  
8 Washington?

9 A. Yes. He said he was the driver of a group in a  
10 van from California.

11 Q. Okay. Okay.

12 A. And he then invoked after that or refused further  
13 questioning.

14 MR. MICHAUD: Okay. I'm going to ask you  
15 guys not to consider that information.

16 I didn't ask you that.

17 THE WITNESS: I apologize.

18 Q. (BY MR. MICHAUD) That's okay. Next let's talk  
19 about Elizabeth Urias, U-r-i-a-s. Now, she was also one of  
20 this group of 50 people who were part of this demonstration  
21 at 620 West Washington; correct?

22 A. Yes, sir.

23 Q. She was also on that private property -- or excuse  
24 me -- that city property, restricted city property, and  
25 ignored the orders to disperse that were given by the LRAD

1 device?

2 A. Yes, sir.

3 Q. Okay. Was she seen by Lieutenant Moore and  
4 captured on camera walking up to the skirmish line and  
5 pushing on the shields of the officers much like --

6 A. Lieutenant Moore witnessed her impacting multiple  
7 officers' shields that were unknown at the time as he was  
8 trying to oversee the entire operation.

9 Q. Was she detained at that time based on her conduct  
10 and based on --

11 A. She was not immediately detained at that moment,  
12 but she was later detained as well.

13 Q. Okay. Recognized by what she was wearing; where  
14 she was?

15 A. Shortly thereafter, she was detained.

16 Q. Okay. And, again, that was for pushing the  
17 officers on the skirmish line, pushing against their  
18 shields?

19 A. Yes.

20 Q. Walking up to them to do --

21 A. And participating in the unlawful assembly and the  
22 riot which was occurring.

23 Q. Next I do want to talk about Bruce Franks. We've  
24 been talking about him a fair bit. We mentioned that he  
25 was advertised as a speaker at this demonstration; correct?

1 A. Yes, sir.

2 Q. And that he had made comments on social media  
3 about this ends at 620 West Washington so that they can not  
4 only hear us, but they can feel us; right?

5 A. Yes, sir.

6 Q. Let's talk about that. He was, of course, a  
7 member of that group of 50 people who went onto the  
8 restricted area of 620 West Washington?

9 A. Yes, sir.

10 Q. He ignored those acoustic orders to disperse that  
11 would have been clearly plainly audible to everyone there?

12 A. Correct.

13 Q. Okay. Instead of dispersing, instead of leaving  
14 restricted property on the city, he instead locked arms  
15 with one of the other people involved, William Reed; is  
16 that correct?

17 A. Yes, sir.

18 Q. After locking arms with William Reed, they turned  
19 towards the skirmish line and charged at it; is that right?

20 A. Correct.

21 Q. And they were actually able to charge into and  
22 push into them in kind of a football type or a lineman type  
23 rush as it's described; is that right?

24 A. Yes. It was described as like a lineman like bull  
25 rush trying to break through the line.

1 Q. And two of the people that he struck included  
2 Officers Pulliam and Officer Velasquez; is that correct?

3 A. That is correct.

4 Q. Okay. And the way that he and William Reed  
5 charged them, did it make them feel that they were at risk  
6 for injury?

7 A. Yes.

8 Q. Okay. And he did make direct contact with Pulliam  
9 and Velasquez?

10 A. Yes, sir.

11 Q. Fair to say that they bull rushed them and used  
12 their body weight in an aggressive forceful way at this  
13 time?

14 A. Correct.

15 Q. Fortunately they didn't -- there weren't any  
16 injuries caused from this particular rushing; is that  
17 correct?

18 A. No, sir.

19 Q. After that happened, after he and William Reed had  
20 interlocked arms and ran into this line of people, is that  
21 when police were trying to arrest Bruce Franks?

22 A. Yes. Multiple orders were given to take him into  
23 custody.

24 Q. And was he told multiple times that he was under  
25 arrest?

1           A.    I believe he was told no less than seven times he  
2 was under arrest.

3           Q.    How did he react to that? Did he submit to being  
4 arrested?

5           A.    No. He resisted, and then with the assistance of  
6 the group around him also trying to resist his arrest.

7           Q.    Was he actively pulling away from the grasp of  
8 police officers who were trying to detain him?

9           A.    Yes.

10          Q.    In fact, was he trying to embrace or kind of  
11 become enveloped by the people who were swarming him who  
12 you mentioned already?

13          A.    Yes. Maintaining his arm locked with William  
14 Reed, trying to pull his limbs, his other limbs away from  
15 the officers.

16          Q.    Fair to say that no less than four other people  
17 were present there trying to help him avoid being arrested  
18 after what he had done?

19          A.    Yes.

20          Q.    And those are just ones that we have spoken about?

21          A.    Correct.

22          Q.    Or that we'll be speaking about here today?

23          A.    Yes.

24          Q.    Okay. Okay. And again, he touched both Officers  
25 Pulliam and Velasquez?

1 A. Yes.

2 Q. We are going to talk about William Reed also, but  
3 first I would like to talk about Khiry Wilson, K-h-i-r-y,  
4 Jaquan Wilson, also one of the 50 people present.

5 A. Yes, sir.

6 Q. Also on the restricted area of 620 West Washington  
7 and ignoring the orders to disperse?

8 A. Yes, sir.

9 Q. While all the group was doing all of what we have  
10 described here, the destruction of the fence and these acts  
11 of violence that we talked about?

12 A. Yes, sir.

13 Q. He was also one of the people that participated in  
14 ripping down that fence; is that right?

15 A. Correct.

16 Q. Okay. Is he also one of the people -- I know you  
17 already mentioned it, but is he also one of the people who  
18 swarmed Bruce Franks to try to help him escape police  
19 custody?

20 A. Yes. He had him in a bear type hug from behind.

21 Q. Much like Jonah Ivy had at the same time?

22 A. Yes.

23 Q. Okay. And this is after having heard all of those  
24 commands that he was under arrest, Bruce Franks was under  
25 arrest, and all the efforts that police were taking to try

1 to take him into custody?

2 A. Yes.

3 Q. When police saw this, did they make the decision  
4 that Khiry Wilson himself needed to be arrested?

5 A. Yes, sir.

6 Q. And did he resist that by pulling away from  
7 officers, continuing to grab on to Bruce Franks and  
8 hindering their efforts and pulling away from their grasp?

9 A. I don't believe Khiry actually resisted his own  
10 arrest. He was resisting the arrest of Bruce Franks.

11 Q. Okay. Well, was he keeping police from being able  
12 to detain him, Khiry Wilson, by holding on to Bruce Franks?

13 A. Yes.

14 Q. Okay. And, again, that's something, a physical  
15 act that police weren't able to take his hands and put them  
16 behind his back because he was still holding on to Bruce  
17 Franks?

18 A. Yeah. He very aggressively had him in like a bear  
19 hug with Jonah essentially over the top of him.

20 Q. Now, finally I'd like to talk about William Reed.  
21 William Reed, of course, also one of the 50 people on 620  
22 West Washington in that restricted area and ignoring those  
23 orders to disperse; correct?

24 A. Yes, sir.

25 Q. Also one of the people that was helping with

1 taking down the pedestrian fencing that was eventually  
2 thrown by Richard Villa?

3 A. Yes, sir.

4 Q. And then after they went onto the property,  
5 ignored those orders to disperse, he's the one who then  
6 locked arms with Bruce Franks and with Bruce Franks charged  
7 into the officers?

8 A. Yes. He was locked in to Bruce Franks' right arm.

9 Q. Okay. Now, while it was Bruce Franks that  
10 actually struck Officers Pulliam and Velasquez, Officers  
11 Pulliam and Velasquez also felt that William Reed was going  
12 to strike them as well; is that right?

13 A. I believe he simultaneously struck them because  
14 they're locked together tightly close together and actually  
15 bull rushed into both of them with Bruce Franks and  
16 striking them both.

17 Q. In any case, they had fear that William Reed would  
18 injure him with that charging action; correct?

19 A. Yes, sir.

20 Q. Is the same true for another officer, Officer  
21 Zopf, Z-o-p-f, who was also on that line?

22 A. Officer -- I'm sorry. Excuse me -- Lieutenant  
23 Zopf, he was trying to take Bruce into custody, and then  
24 after William impact pushed Officer Gallegos to the ground,  
25 he immediately turned to try to continue to render aid to



1 Bruce and essentially headbutting Lieutenant Zopf and  
2 pushing into him while he was trying to arrest Bruce.

3 Q. Okay. And, okay, so that was a second sequence of  
4 events after the charging with Bruce; correct?

5 A. The first sequence was him charging. The second  
6 sequence I would say would be him impact pushing Officer  
7 Gallegos, followed by a third sequence of him returning to  
8 render aid to Bruce and headbutting Lieutenant Zopf.

9 Q. Okay. Thank you. So let's talk about what  
10 happened with him and Officer Gallegos. So after Bruce and  
11 he had charged the skirmish line and struck Officers  
12 Pulliam and Velasquez, is it true that William Reed pushed  
13 Officer Gallegos, a third officer?

14 A. Yes. Officer Gallegos was attempting to assist  
15 with Bruce, and William broke loose to essentially render  
16 aid and impact pushed him violently, causing him to fall  
17 right back on his butt and his arm.

18 Q. Okay. And in fact did he sustain an injury,  
19 Officer Gallegos sustain an injury to his wrist from that  
20 fall?

21 A. Yeah. He had minor abrasions to his wrist and  
22 hand and pain in his wrist from falling on it.

23 Q. Okay. From the impact?

24 A. Yes.

25 Q. And that's directly from William Reed shoving him?

1 A. Yes, sir.

2 Q. And then after he had already charged Pulliam and  
3 Velasquez after he had pushed Officer Gallegos to the  
4 ground, tell us again what he did to Officer Zopf or  
5 Lieutenant Zopf. Excuse me.

6 A. After impact pushing Officer Gallegos, he  
7 immediately turned back to assist Bruce where Lieutenant  
8 Zopf was trying to take him into custody, and he  
9 essentially charged at him, headbutting him in a manner to  
10 try and interfere, push him off of him, which caused  
11 Lieutenant Zopf's helmet to actually rotate down to where  
12 he couldn't see. He wasn't quite sure how that happened  
13 until after reviewing body camera afterwards.

14 Q. So struck Officer Zopf, messed with his helmet so  
15 that he was vulnerable and couldn't see with that strike;  
16 right?

17 A. Yes.

18 Q. And then as the officers, including Officer  
19 Gallegos, were trying to take him into custody, did he  
20 resist those efforts?

21 A. Yes.

22 Q. Pulled away to resist. And in fact -- oh, excuse  
23 me.

24 A. I would say he more resisted Bruce's arrest as  
25 well. During the course of this, Bruce actually tells Reed

1 to stop interfering, to stop essentially interfering with  
2 his own arrest, Bruce's arrest. And I don't believe  
3 William Reed resisted his own arrest at that point either,  
4 but he was resisting up to that point the arrest of Bruce  
5 and the officers trying to pull Bruce from him.

6 Q. So the officer that he shoved, Officer Gallegos,  
7 and the officer that he ended up headbutting, Officer or  
8 Lieutenant Zopf, those officers were trying to arrest Bruce  
9 Franks and William Reed for what they did charging the  
10 skirmish line; right?

11 A. Yes. They were focused on Bruce primarily at  
12 first, though, based on the order, and then it shifted to  
13 William as it unfolded and transpired.

14 Q. Okay. So Gallegos was trying to -- was Gallegos  
15 trying to place them in custody when William Reed shoved  
16 them -- shoved him? Excuse me.

17 A. He was trying to place Bruce into custody with the  
18 other officers.

19 Q. Okay. And you mentioned something that Bruce had  
20 yelled to William Reed. Let me ask you this. You said  
21 Bruce had essentially told William to stop interfering --

22 A. Yes.

23 Q. -- stop it, stop it?

24 A. Yeah. He kept telling him to stop or something  
25 to -- I would have to refer to my report for the exact

1 quote, but I believe he just told him stop, which I did  
2 review on body camera, and you can clearly see him telling  
3 him.

4 Q. So the whole time that this was going on when  
5 William Reed was part of this riot, when he charged the  
6 skirmish line, when he shoved Officer Gallegos, when he  
7 headbutted Officer Zopf, and when he was struggling with  
8 people who were trying to arrest Bruce Franks, as I  
9 understand it, he was wearing body armor; is that right?

10 A. Correct.

11 Q. Tell us about that.

12 A. He was wearing a black plate carrier with steel  
13 trauma plates in it that weighed about 40 to 50 pounds by  
14 officers' estimates.

15 Q. So it's a steel armor?

16 A. Correct.

17 Q. Over his --

18 A. It's typically made to withstand impacts of  
19 bullets or other weapons that can cause significant injury.

20 Q. Okay. And all these actions took place either in  
21 front of 620 West Washington, in the vicinity or on the  
22 property or nearby?

23 A. Yes, sir.

24 Q. Okay. And all of these people had been subject to  
25 orders and commands that they were required to disperse?

1 A. Yes, sir.

2 Q. And none of them actually followed those commands;  
3 is that right?

4 A. No, sir.

5 MR. MICHAUD: All right. Ladies and  
6 gentlemen, I don't have any more factual questions for this  
7 witness. Does anybody have any questions?

8 GRAND JUROR [REDACTED]: I don't.

9 MR. MICHAUD: Okay. I don't see any hands.  
10 For the record, I don't see any hands.

11 MR. BAKER: There being no further factual  
12 questions, we thank you, Officer. I would remind you that  
13 Arizona law prohibits you from discussing your testimony  
14 with anyone other than the prosecution. Please step  
15 outside but remain in the vicinity in case there are  
16 further questions.

17 GRAND JUROR [REDACTED]: I do have a question. I  
18 apologize. Was one of the statutes that was read at the  
19 beginning 2901 the one we read in the beginning involving  
20 marijuana?

21 GRAND JUROR [REDACTED]: That's only the second  
22 part.

23 MR. BAKER: Well, as I said --

24 GRAND JUROR [REDACTED]: Sorry?

25 MR. BAKER: As I said, the second definition

1 is the one that's relevant here, public.

2 GRAND JUROR [REDACTED]: Okay. Appreciate it.  
3 Thank you.

4 MR. BAKER: Marijuana, that's part of the  
5 statute, so it was read.

6 GRAND JUROR [REDACTED]: Thank you.

7 MR. MICHAUD: Just to be clear, there are no  
8 allegations or evidence involving marijuana in this case.

9 GRAND JUROR [REDACTED]: Thank you.

10 THE WITNESS: Thank you, sir.

11 MR. BAKER: As I said, Officer, for the  
12 benefit of the record, Arizona law prohibits you from  
13 discussing your testimony with anyone other than the  
14 prosecution. Please have a seat outside but remain in the  
15 vicinity in case there are further questions.

16 THE WITNESS: Yes, sir. No problem.

17 (Whereupon the witness was excused from the  
18 Grand Jury room.)

19 MR. BAKER: Before I ask for legal questions,  
20 I would admonish the Grand Jurors to disregard any  
21 statements made by the witness to the effect that anyone  
22 involved in this investigation may have chosen to invoke  
23 any of their rights such as their right to remain silent.

24 The United States Constitution guarantees an  
25 individual the right to remain silent and not be required

1 to speak with any government agent investigating them and  
2 to have an attorney present during any questioning.

3 The Constitution further guarantees an individual  
4 that this exercise of their constitutional rights will not  
5 be used against them.

6 For this reason, the Grand Jurors should not  
7 discuss or consider this fact in any way in determining  
8 whether or not probable cause exists in any of these  
9 matters.

10 So having noted that, at this time, are there any  
11 legal questions?

12 GRAND JUROR [REDACTED]: So regarding body armor,  
13 I realize that it reads body armor means any clothing or  
14 equipment designed in whole or part to minimize risk of  
15 injury from a deadly weapon. Does a deadly weapon actually  
16 have to be deployed in this situation in order for it to  
17 apply here?

18 MR. BAKER: No.

19 MR. MICHAUD: Designed.

20 GRAND JUROR [REDACTED]: So if I'm, you know, a  
21 protestor and I go and I wear a lot of clothing because  
22 things might get throw and I'm just protecting my own body,  
23 that could be constituted as body armor even if I'm just  
24 protecting myself from getting hit or bumped into by  
25 somebody else?

1 MR. BAKER: Well, bumped into is not --

2 GRAND JUROR [REDACTED]: Well, I might wear --

3 MR. BAKER: -- it's not protecting you  
4 against deadly force.

5 GRAND JUROR [REDACTED]: You have to be a riot  
6 person, to start. If you're just protesting peacefully  
7 walking down with a flag, it's no big deal. Once the riot  
8 is called, then you got to get out of there.

9 MR. MICHAUD: The statute refers to in  
10 commission of a felony. It's not a crime to wear items  
11 like that --

12 GRAND JUROR [REDACTED]: Okay.

13 MR. MICHAUD: -- if you're not committing  
14 felonies.

15 GRAND JUROR [REDACTED]: Thank you for the  
16 clarification.

17 GRAND JUROR [REDACTED]: For a assembly, are you  
18 required to have a permit?

19 MR. MICHAUD: I'm sorry?

20 GRAND JUROR [REDACTED]: For making such an  
21 assembly and protest, are they required to get a permit?

22 GRAND JUROR [REDACTED]: Permit.

23 MR. MICHAUD: I heard. I was actually  
24 thinking about it.

25 MR. BAKER: I don't think you are in this



1 state.

2 MR. MICHAUD: There are no --

3 GRAND JUROR [REDACTED]: Because if they do,  
4 somebody has to sign for it and the individual involved.

5 GRAND JUROR [REDACTED]: Maybe let me rephrase  
6 the question. Is right outside the police department a  
7 place that a permit could even be applied to hold a  
8 protest?

9 MR. MICHAUD: I mean I have an answer in mind  
10 to that question, but I think it's kind of beyond the scope  
11 of what -- should I answer that, I mean --

12 GRAND JUROR [REDACTED]: Because it happened  
13 somewhere else. They had a assembly somewhere else. Then  
14 they moved on to the police station.

15 MR. MICHAUD: Right. So let me --

16 GRAND JUROR [REDACTED]: It's not relevant to  
17 what we're talking about today necessarily.

18 MR. MICHAUD: Just to be clear, my  
19 recollection of the evidence was that this took place at a  
20 restricted area on 620 West Washington. It's not a public  
21 area after the pedestrian railing had been taken down. Not  
22 the street, not the sidewalk. That's not what this case is  
23 about.

24 GRAND JUROR [REDACTED]: Hold on. I have a  
25 question. So did they have a permit or not?

1 MR. BAKER: I'm not even sure that permits  
2 are necessary. Why don't we ask the officer.

3 MR. MICHAUD: Maybe we bring the officer in.  
4 That sounds like a factual question to me.

5 GRAND JUROR [REDACTED]: That's a good  
6 question. I hadn't thought about that.

7 GRAND JUROR [REDACTED]: If you have a right to  
8 assembly --

9 GRAND JUROR [REDACTED]: Right.

10 MR. BAKER: Officer, I would remind you that  
11 you're still under oath.

12 THE WITNESS: Okay.

13 MR. MICHAUD: So I'll ask the question. The  
14 question has been presented to us from the panel, but I'll  
15 ask, and if anybody has any clarifying follow-up, feel free  
16 to ask it.

17 Q. (BY MR. MICHAUD) Do you know whether or not the  
18 individuals involved in this demonstration had a permit for  
19 this demonstration?

20 A. I do not know if they had a permit or they applied  
21 for one. I do not believe so.

22 MR. MICHAUD: Okay.

23 GRAND JUROR [REDACTED]: Is it required?

24 THE WITNESS: No, it is not required to do a  
25 demonstration or to protest.

1 GRAND JUROR [REDACTED]: Okay.

2 Q. (BY MR. MICHAUD) Let me ask you a follow-up  
3 question. Were any of these people detained for things  
4 that they did at other locations or on the sidewalk or any  
5 public areas?

6 A. People involved in -- if I'm understanding, so  
7 anybody involved that we discussed, were they involved in  
8 previous incidents where officers recognized them?

9 Q. That's not what I'm asking you at all. That's not  
10 what I'm asking.

11 A. Sorry.

12 Q. What I'm asking you is this. On August 9th of  
13 2020, we're talking about people who were detained in a  
14 restricted area of 620 West Washington, the police station;  
15 correct?

16 A. Yes.

17 Q. Okay. We're not talking about people who were  
18 detained on say a public street corner, are we?

19 A. No.

20 Q. We're not talking about people who are detained on  
21 a sidewalk or even on a street that they shouldn't have  
22 been walking across, are we?

23 A. No.

24 Q. Okay. We're talking about this restricted area of  
25 620 West Washington?

1           A.    Yes.  The property in front of 620 West Washington  
2    which was restricted with the temporary pedestrian fencing.

3           Q.    This area was not open to the public at all?

4           A.    No.  There was no passable -- the pedestrian  
5    fencing essentially ran along the north curbing of  
6    Washington Street so there was no passable sidewalk area  
7    all the way to the west curbing of Seventh Avenue, so  
8    pedestrian traffic would have had to use the sidewalk on  
9    the south side of Washington Street.

10          Q.    Okay.

11          A.    It was all completely restricted.

12          Q.    One more question.  I know that the evidence, your  
13    previous testimony told us that these -- this group had  
14    demonstrated and marched from other different areas.

15          A.    Yes.

16          Q.    Is it your understanding that they committed any  
17    crimes by demonstrating at other areas, or are we talking  
18    in this investigation about anything that they did in other  
19    public areas on that day?

20          A.    Yeah.  Obstructing a thoroughfare when they were  
21    obstructing the roadway on multipole occasions, which is a  
22    class 1 misdemeanor, and then they also had multiple --

23          Q.    Okay.  But the fact that they were organizing and  
24    speaking and marching at other locations, there was nothing  
25    about that that in any way was actually detained for that

1 we're talking about; correct?

2 A. No. There were no other arrests prior to this  
3 incident or detentions of people involved to my knowledge.

4 Q. And in fact, they had actually been doing several  
5 hours of marching before everything that happened at 620  
6 West Washington?

7 A. Yes.

8 Q. Without being arrested?

9 A. Yes.

10 MR. MICHAUD: Okay. Does anyone have any  
11 follow-up questions? Okay.

12 MR. BAKER: Again, there being no further  
13 factual questions, again, sir, I would thank you. Again I  
14 would remind you that Arizona law prohibits you from  
15 discussing your testimony with anyone other than the State.  
16 Again I'll ask that you have a seat outside in the event  
17 there are further questions.

18 THE WITNESS: Thank you. Thank you for your  
19 time.

20 GRAND JUROR [REDACTED]: Thank you.

21 (Whereupon the witness was excused from the  
22 Grand Jury room.)

23 MR. BAKER: And again we'll open the floor up  
24 for any further legal questions, if there are any.

25 GRAND JUROR [REDACTED]: Are there any statutes

1 for destruction of public property that we should be aware?

2 MR. BAKER: Well, there is criminal damage,  
3 okay, but there is also destruction to a jail, but I don't  
4 think that a police station would qualify as a jail. It's  
5 actually entitled injury to a jail under 13 -- under  
6 chapter 31, but I don't think that's relevant here given  
7 the nature of the structure itself. But there is criminal  
8 damage, and criminal damage is 1602, and then the  
9 definitional section, 1601.

10 MR. MICHAUD: I don't believe there was any  
11 testimony about the value of the fencing involved.

12 GRAND JUROR [REDACTED]: Thank you.

13 MR. BAKER: Any further legal questions?

14 There being no further legal questions, please  
15 deliberate and determine which of your options you wish to  
16 pursue.

17 (Whereupon the Deputy County Attorneys and  
18 the Court Reporter were excused from the Grand Jury room;  
19 were subsequently recalled into the Grand Jury room, and  
20 the following proceedings were had:)

21 THE FOREPERSON: The jury has voted and  
22 directs the County Attorney to prepare a draft indictment  
23 for our consideration.

24 MR. BAKER: The County Attorney has prepared  
25 a draft indictment. Those admonitions read to you this

1 morning concerning draft indictments are applicable.

2 (Whereupon the Deputy County Attorneys and  
3 the Court Reporter were excused from the Grand Jury room;  
4 were subsequently recalled into the Grand Jury room, and  
5 the following proceedings were had:)

6 THE FOREPERSON: Will the clerk record the  
7 Grand Jury's findings.

8 THE CLERK: The Grand Jury, with 11 members  
9 present, and only members of the Grand Jury present,  
10 deliberated upon evidence, and with 11 jurors voting, by a  
11 vote of 9 -- I guess it would be 11 to 9. I screwed that  
12 up -- 11 to 9 returned a True Bill.

13 MR. BAKER: It can't be 11 to 9. That would  
14 be 20.

15 THE CLERK: Nine and two. Thank you. I'm  
16 terrible at math. It's your guys' fault.

17 MR. BAKER: And that concludes this  
18 investigation.

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1                   (Whereupon, The Honorable Terri Clarke  
2 entered the Grand Jury room, and the following proceedings  
3 were had:)

4                   P R O C E E D I N G S

5                   RE:    RETURN OF INDICTMENTS

6                   THE COURT:   Good afternoon.  I'm Commissioner  
7 Clarke, and this is the 785 Maricopa County Grand Jury.  We  
8 have Mr. Michael Baker, Deputy Maricopa County Attorney,  
9 present.  Those standards orders read to you, let's see,  
10 almost two months ago, a little over two months, June 18,  
11 2020, are still in full force and effect.  And the  
12 Foreperson may proceed when ready.

13                   THE FOREPERSON:  Your Honor, Case 785 GJ 282,  
14 a True Bill.  My signature appears on the indictment  
15 endorsing it a True Bill.

16                   MR. BAKER:  NSI as to all nine codefendants,  
17 Your Honor.

18                   THE COURT:  Okay.  Good.  All right.  Thank  
19 you.  It's ordered that notices of supervening indictment  
20 shall issue as to each of the nine codefendants.

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## C E R T I F I C A T E

I, Scott A. Kindle, do hereby certify that the foregoing pages constitute a true and accurate transcript of my stenographic notes, taken at said time and place, all done to the best of my skill and ability.

I CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome thereof.

I CERTIFY that I have complied with the ethical obligations set forth in ACJA 7-206(F)(3) and ACJA 7-206 J(1)(g)(1) and (2).

DATED this 31st day of August, 2020.



Scott A. Kindle, RPR  
Certified Reporter No. 50711