



**Grand Jury Transcript
September 21, 2020
Recording #4¹**

¹ THIS IS NOT AN OFFICIAL TRANSCRIPT; IT WAS PREPARED FROM AUDIO RECORDINGS OF THE GRAND JURY PROCEEDINGS BY COUNSEL FOR THE NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC (“LDF”).

Barbara Whaley: Okay, we're going back on record with the Jefferson County grand jury at 11:15, September 21. We still have Detective Jeff Ogg. Detective Ogg, for part of your investigation, did that include reviewing all of the interviews of the - first of all, the seven officers...

Jeff Ogg: Yes ma'am.

Barbara Whaley: ...that conducted. And then some others as well?

Jeff Ogg: Yes ma'am.

Barbara Whaley: So go ahead and begin with the first interview.

Jeff Ogg: Yes. The first interview we are going to listen to today is from Sergeant Jon Mattingly. This interview was conducted on March 25. It was conducted by the Louisville Metro Police Department Public Integrity Unit. The officers conducting the interview are Sergeant Amanda Seelye and Sergeant Jason Vance.

Male: What date was that?

Jeff Ogg: March 25.

Male: And, in the back, if you could raise your hand to make sure we know you can hear it well?

Amanda Seelye: This is Sergeant Amanda Seelye of the Louisville Metro Police Department's Public Integrity Unit. Today's date is Wednesday, March 25, 2020. The current time is 12:55 hours. We are present at 3672 Taylor Boulevard, the Public Integrity Office. This will be a recorded session with Sergeant Jon Mattingly. This statement is in reference to PA 20-009. Present with me are Sergeant Jon Mattingly, attorney Steve Schwartz, and Sergeant Jason Vance of the Public Integrity Unit. Sergeant, are you ready to submit your statement through video and audio tape?

Jon Mattingly: Yes.

Amanda Seelye: This is your approval.

Jon Mattingly: Yes.

Amanda Seelye: Recite your full name and spell your last name.

Jon Mattingly: Jonson M-A-T-T-I-N-G-L-Y.

Amanda Seelye: What is your coat number?

Jon Mattingly: 2465.

Amanda Seelye: (Inaudible)

Page 3

Jon Mattingly: Mm-hmm. (Inaudible) squad.

Amanda Seelye: How long have you been with that unit?

Jon Mattingly: Um...before they've changed it or since they've changed it?

Amanda Seelye: Either.

Jon Mattingly: (Inaudible) since the middle of 2016.

Amanda Seelye: And how long have you been with the police department?

Jon Mattingly: Since June 2000.

Amanda Seelye: (Inaudible).

Jon Mattingly: Yeah.

Amanda Seelye: Are you under the influence of alcohol, drugs, or any other intoxicants at this time?

Jon Mattingly: No.

Amanda Seelye: Are you taking any kind of medication that would affect your judgement or ability to think clearly?

Jon Mattingly: No.

Amanda Seelye: The next four questions are (inaudible) incident on March 13, at Springfield Drive, without your uniform. Did you sustain any injuries during this situation?

Jon Mattingly: Yes.

Amanda Seelye: Please describe.

Jon Mattingly: I sustained a gunshot wound to the upper-left thigh. It tore through the femoral artery. So, it got the back of the leg.

Amanda Seelye: And did you receive medical treatment?

Jon Mattingly: I did.

Amanda Seelye: (Inaudible).

Jon Mattingly: University of Louisville Hospital by the trauma team. For several hours.

Amanda Seelye: Besides your uniform, what else were you wearing at the time of this incident?

Page 4

- Jon Mattingly: (Inaudible). I had black Under Armor boots on, grey pants, a black $\frac{3}{4}$ zip Nike pullover, and I had my hat and vest on that said "Police" on the front and back. So that's that.
- Amanda Seelye: Did you have the same pullover on that you have on right now?
- Jon Mattingly: No.
- Amanda Seelye: (Inaudible) 6-7-C-3-2-6, I will remind you of your constitutional rights before asking you any further questions. We've already been over this, the time and the place, 3672 Taylor Boulevard...
- Jason Vance: (Inaudible) he actually changed the care rights for the record. Nothing (inaudible) because Louisville is the first (inaudible). But it's the same privileges and the same rights.
- Amanda Seelye: Before you answer these questions, you must understand your rights. You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer prior to any questioning or before making any statements, and you can have them be present with you while you are being questioned. If you cannot afford to hire a lawyer, one will be assigned by the court to represent you before questioning, if you desire one. You may stop the questioning or refuse to answer at any time to further provide the opportunity to consult with an attorney prior to the continuing of questioning or the demanding of any statements. I have read this statement of my rights, and I understand what my rights are in order to make a statement or answer questions (inaudible). I'm sorry.
- Jason Vance: It's a grand law the LMPD of what your rights are.
- Amanda Seelye: I understand (inaudible), no pressure or force to be had prior to beginning the questioning.
- Jon Mattingly: All that says is basically that you're (inaudible).
- [Pause; background noise from 0:06:05 until 0:06:27.]
- Amanda Seelye: Sergeant, your (inaudible) at 3003 Springfield Drive before, prior to the 13th in regard to what happened and your involvement.
- Jon Mattingly: We were executing a search warrant for an illegal substance for the LMPD. And about 45 minutes before we executed the warrant, I did a drive-by before we came to the house, so (inaudible). When we came to the door, it was two apartments, it was the second door over. There was a (inaudible) right in front of them, and so we identified Apartment 4 on the bottom floor on the right. So, there were two doors, (inaudible), one on the inside. We're back and geared up, and SWAT was doing their thing down at 24 Madison (inaudible) with the sheriffs at the same time. I was the first car that pulled up on scene. When we got there, there was a vehicle that had been there prior to coming through. It was a 2004 Toyota Sequoia. It was white or cream color. I pulled behind it and exited my vehicle. (Inaudible) prior. At that time, I went between the cars in front of it and

made our approach to the apartment. When you go up, there were doors on the right of the stairwell that goes to the top level. I circled all the way to the back since I was going to be the one to knock on the door. So, I was basically in front of the back door of the other apartment that's just to the right side. We all got in line, I knocked on the door—banged on it. We didn't announce the first couple, because our intent was not to hit the door, our intent was to give her plenty of time to get the door because she was probably there alone. So, we were pre-determined to give her plenty of time to come to the door. Banging on the door, no response, banged on it again, no response. At that point, we started announcing ourselves. "Police, please open up the door. Police, we have a search warrant." While we're doing this, there's a neighbor or somebody upstairs, right on the staircase, that started arguing with Detective Hankison and they were both giving commands to get back into his apartment, and he kept saying, "I want my (inaudible)." He said something about, "I need to go home" or something like that. While he was doing that we were still announcing, "Police, come to the door. Police, search warrant." We were banging—probably banging on the door six or seven different timeframes. Not six or seven times, but six or seven different times. It seems that (inaudible). Probably lasted between 45 seconds and a minute, banging on the door. And that time I went back to Lieutenant Hoover and he said, "Let's go ahead and hit it." Because at one point probably about the third time we banged, Mike was standing at the door and he said, "I can hear somebody inside, I think coming to the door." So, we thought they were coming, and then we didn't hear anything else, so we kept banging and announcing. And at that point we (inaudible), so Lieutenant (inaudible) says go ahead. So, he hits the first time and it's right on the door handle, it didn't move anything. And every time he hit it he'd announce, "Police search. Police search." The second time he hits, he hits the good side and it almost knocks the door open. I can see the dead bolt at an angle, and I can see a crack at the door leading into the apartment. So, I said, "This is going to go." So, we hit the third time and as soon as we hit the door opens. "Police search warrant. Police search warrant." I go around the corner and I can see clearly the living room on the right-hand side, you can see the sliding glass door. As I turn the corner, as soon as I clear the threshold of the front door, I can see down the hallway (inaudible). Because as soon as I cleared it, probably 20 feet away, right down the hallway, there's a bedroom door to my right. And there's a male and a female. The male is closest to the door to my right, and as I try to approach the doorway, he's in a stretched-out position with what seems like a gun. And as soon as I clear, he fires his gun. It's almost like a shooting range with two things flipping at the same time. He was shooting, I was shooting, I mean they were shoulder to shoulder and my mind is like, "This isn't right. Something is off here." Of all the doors of main entry I've never seen this. And so, I hid in this corner and go through, and as soon as the shot hit, I can feel heat in my leg. And so, I returned fire, four rounds off. And it was simultaneous "boom-boom-boom-boom." And then I went back and went down to the side of the door and reached around and I can hear two more off around the corner of the door. And then I could really feel the blood in my legs, so I reached down and felt it and my hand was full of blood and I couldn't move. I couldn't get off the floor at that point, so I scoot back on my butt and yell, "I've been hit. I'm on the floor." I scooted back and I think at that time I was (inaudible). I'm not sure, I think he was on my left shoulder at the time. (Inaudible). Tony was behind me. Mike was to the right of the door. Brett and Hoover came around the corner at that point. I'm assuming Myles (inaudible). I think he was in the front. So, I slid back on my butt to get out

of the line of fire, and for a second, I let go of my gun. And I realized what I did and so I grab my gun and pull it back. I was like, "I can't sit here." So, I stood up and I hobbled out across in front of the door and went to where the curb is, which sat off near the three cars. I guess Mike Campbell stumbled, I think he slipped back when the shots fired, and I assumed he fell off the curb. Because when I went to go through the cars and looked down, I was like, "Why are you on the ground?" He said, "I tripped and fell off the curb or something." That's when I holstered my gun and scooted to the edge of the car, and then Hoover came up and grabbed my vest from behind and pulled me in. (Inaudible). I do remember when I went on the ground – I don't remember anything right there in that doorway, that breezeway, I don't really remember shots fired because I remember I was thinking about this, I was putting pressure on this. And I couldn't get that away. But I do remember by the time I stepped off the curb and tripped over him, as soon as I hit the ground and grabbed my holster, I could hear all of a sudden "boom-boom-boom-boom-boom-boom-boom," several shots that seemed like a gun. And my mind could have been playing tricks on me, but I'm sure (inaudible) because I was still by myself and after I scooted around Hoover grabbed me and it seemed to get quiet after that. We get to the edge and I sit down and get my (inaudible) out and get a tourniquet. So, Hoover sat and helped and grabbed his belt and put it on me and I remember I reached out and said that's not tight enough, and I need a tourniquet. And about that time Tony James shows up and we're going back and forth. And he comes up (inaudible). He goes to put his gloves on, and Hoover said (inaudible) tourniquet and slides it on my leg and starts to tighten it up. I think someone steps on me. This end pushed down, so they pushed on the leg - I can't remember who it was. But I know they're squeezing it and I said, "I need a knife to cut this off." (Inaudible). And I kept going, "Did anybody call for EMS?" Because they just (inaudible). I kept going, "Where's EMS?" So, I go and try to call the paramedics to come (inaudible) his arm. So (inaudible). Then I can hear Brett yell 10-30 on the radio. And as they're squeezing that, I lay back and I hear him yell 10-30, and I hear the beat car getting here not too long after that. And I can remember Hoover saying, "Take it around the gate." And then I can hear Brett yelling on the radio, "Around the gate!" And I can hear – EMS still hadn't gotten there yet. And I keep thinking, "Where is EMS? Where the fuck is EMS at?" Just because the pain (inaudible). When you've got a tourniquet on, good. Now, you've got to get this leg (inaudible). So, at some point, EMS shows up after what seems like a very long time. They finally showed up and I remember them saying (inaudible). They've got to be here any second. So finally, they show up and they say (inaudible). I remember (inaudible) in the back seat. I'm hurt in the leg and can't get back up. Well, put him in the truck and (inaudible). Hoover has my legs and my back and is dragging me, and I almost hit the ground. I think Hoover gets me under his arms, puts me on the trunk, holds me on there as we're driving towards the gate, and I saw the EMS guy walking towards me. And I had made contact with them prior to, to make sure they were already in this (inaudible). And this young guy is walking towards me with this badge, and as I'm looking, EMS is already started backing up and is going the wrong way. And I yell to him and say, "Where the fuck is he going?" And he's like, "I don't know." And I say to call him on his radio, and he says, "I tried and no answer." Well I say try again. And he tries again and all of a sudden, he stops, and EMS starts coming back. So, we get up to the front where the gate's at and I'm not sure where the other guys went or what they're doing. Hoover follows with the holster on my back. He

scoops me up and he walks me around the car, pushes the gate down and we stepped over it. We got to the wagon, got in the back of the wagon.

{Inaudible Crosstalk}

Jason Vance: (Inaudible) the actual building (inaudible) reached the gate. This – we're going to use this photo gallery to make sure we're understanding correctly as far as how you came out. So, this is photo 2. It's a closer (inaudible). This is the breezeway and the sidewalk, and this is for handicap access right here where the sidewalk connects to here. So (inaudible), and there is a step or a couple steps there. If you can, and obviously the cars in this photo are not the same cars, it just gives us a kind of visual to understand everything that happened. So, the breezeway comes out towards the set of stairs to the second door of the apartment building. And as I understand what you said, you come in and you go between where this car is parked on this mark and this mark here, and he was fallen there, correct?

Jon Mattingly Right. Yeah, he's in between here, this car here. And I come out, step off this curb, and go in between here. Pretty sure (inaudible) the path of least resistance here.

Jason Vance: You know, just from working the scene and all that, we all know that there is a wide (inaudible) there as well, being at Sequoia. Was your police vehicle parked immediately behind it?

Jon Mattingly Directly behind it.

Jason Vance: Where would you – I'm going to let you mark it, it doesn't have to be exact. Just what you remember.

{Inaudible Crosstalk}

Jason Vance: And then, so, where do you think the first (inaudible) was hit? I mean, if you had to guess?

Jon Mattingly: If I had to guess, it was right here.

Jason Vance: And at some point, the video that you used...

Jon Mattingly: I don't know, I'm sorry. It may have been here. No, I came through in the car from somewhere, I just can't remember if it was on this side or this side. Maybe this side – yeah, because Myles' car pulled up here.

Jason Vance: And do you remember what kind of car it was?

Jon Mattingly: His? An Impala

{Inaudible Crosstalk}

Jason Vance: So they used that car to put you on the back on top of the hood.

Page 8

- Jon Mattingly: Right.
- {Inaudible Crosstalk}
- Jason Vance: ...because it wouldn't be very efficient for someone to carry you.
- Jon Mattingly: Yeah, so I held on to the (inaudible), radio antenna just to lie flat. I held on to that.
- Jason Vance: Okay. So, they evacuate you to the (inaudible), and at that point you, as you say in your statement, Lieutenant Hoover requested the patrols to brand the gate to open the gate.
- Jon Mattingly: Correct.
- Jason Vance: Because it's kind of separating the property...
- Jon Mattingly: Yes. We were trying to get EMS in here, and he probably assumed that at that point they would get confused if they came down and realized that it didn't match and came all the way around.
- Jason Vance: And it's obviously the most efficient way to...
- {Crosstalk}
- Jon Mattingly: Yes. Correct.
- Jason Vance: So, they get you in the gate, and they show you into the ambulance. (Inaudible). There're some communication issues between you guys and the EMS personnel.
- Jon Mattingly: Right.
- Jason Vance: And then you were transported to the hospital. I don't have a street view of the actual front of the apartments probably because of this gate. Google does not have certain direction. (Inaudible). So, to go back to when you guys (inaudible). You said you guys knocked on the door and your own intentions were to get the occupants of the house to come to the door.
- Jon Mattingly: Correct.
- Jason Vance: Now what kind of information, if any at all, were you guys given in a pre-operational briefing?
- Jon Mattingly: We were told that the target, the main target, the male, had packages sent to this location and she had a positive record that he received the packages and held his money.
- Jason Vance: And do you remember the name of the target on the search warrant?
- Jon Mattingly: No.

Page 9

- Jason Vance: Because if it was the search warrant that you or your personnel assigned to you...
- Jon Mattingly: Right. We didn't do any of the investigation, we didn't do anything like that.
- Jason Vance: And you guys were only there to assist – multiple units of the CID report were reported trying to serve law enforcement.
- Jon Mattingly: Right. It was a heavy manpower-intensive operation. They just needed bodies.
- Jason Vance: Okay. Other than what you just said, do you remember anything leading up to the operation?
- Jon Mattingly: As far as for us on that night, yeah, it was, they said they did not believe she had children or animals, but they weren't sure. They said she should be there alone because they knew where their target was. And I guess they felt that he was her boyfriend or more than acquaintances. The whole time Mike watched the house, there was no change in lights coming on or off. The only thing he saw was the light from the bedroom TV.
- Jason Vance: So, he was able to see some light or some form of illumination from the bedroom window. Do you know which window that would have been?
- Jon Mattingly: Yeah – I think it would be this one here.
- Jason Vance: Alright.
- Jon Mattingly: I think it was that one, but I'm not sure. (Inaudible) before we pulled up.
- Jason Vance: Okay.
- Amanda Seelye: (Inaudible).
- Jon Mattingly: I have no idea. When we briefed, we weren't on the scene. We briefed at 10 o'clock. We were there until 12:40. At 12:45, on my phone, I was calling him and telling him (inaudible). And Detective Campbell knew (inaudible).
- Jason Vance: Go back to – you know – you guys – your whole intentions were to have the occupant (inaudible).
- Jon Mattingly: Mm-hmm (affirmative).
- Jason Vance: And you characterized, you know, you were all knocking, announcing, and initially just knocking on the door, which is kind of, you know, initiates the upstairs resident to come out and make contact with you guys. Do you remember what kind of verbal exchange?
- Jon Mattingly: Between us? I remember when he first popped out, he turned into to an office of low rider kind of because he did not know if we were approachable. I remember Brett brandishing his gun saying "Get back in your apartment. Get back in your apartment." Perhaps they were a bit worked up. And I remember at one point,

because they kept exchanging, you know, while we're doing this, remember looking at Brett saying, "Brett, relax. Brett, just chill out. Relax." Because, you know, why would you pay attention to us with as much focus?

Jason Vance: Right. I mean, other than the obvious, you know, the police logos on your tact vest, I mean, do you all let them, you know, identify their selves?

Jon Mattingly: I don't know if they did or not. I don't think they said, "We're the police."

Jason Vance: Because your focus was on the...

Jon Mattingly: Yeah. At this point, I'm out here physically knocking at the side door, so I can't really pay attention to what I'm doing.

Jason Vance: It would be dangerous...

Jon Mattingly: Right.

Jason Vance: ... for you not to stay focused on the doors. I mean, we all know we refer to it as (sounds like: mail call @26:41).

Jon Mattingly: Right.

Jason Vance: So, you know, at some point Lieutenant Hoover decides that, you know, you guys have waited too long, or, you know, you can fall out or, you know, a pretty sizable amount of time had gone by...

Jon Mattingly: Right. We gave more than enough time for the average person or even a sick person to get to the door.

Jason Vance: Right.

Jon Mattingly: It's a small room.

Jason Vance: So, the decision is made that you are going to force entry. Correct? So, you know, you kind of went through what Nobles did as far as how you kind of forced entry into the apartment. And you said you kind of split the power, and you're declaring the immediate threat to your right and you come back to the center, which is what we're trying to do.

Jon Mattingly: Right.

Jason Vance: And she got back at the center. How much do you - how much exposure do you think you had as far as like, you know, whatever cover you could get in that entryway, which is not much?

- Jon Mattingly: Right. I didn't get cover until the hallway meets the door. We couldn't see any more from where I was standing. So, at that point, I had to step out in front of the doorway into the clearance area.
- Jason Vance: And that's when you see the male and female, almost parallel or, you know...
- Jon Mattingly: Yeah, they were perpendicular to each other, side by side, shoulder-to-shoulder. I mean, it was really almost like they were standing together-together. Again, my brain is on. "What is this?" You know, this isn't normal. It isn't normal for people to stand, you know, in a house together.
- Jason Vance: And talking about that hallway, was it illuminated?
- Jon Mattingly: It was enough where I could see him. I did not turn my gun light on, which I'm thankful so that his gun wasn't going towards where my light was. I don't know if people had on theirs on behind me; I could see it enough to see a male on the right, a female on the left. I couldn't identify their faces, but I could actually see the handgun in his hand. I remember seeing the barrel that—as soon as we turned the corner and, as soon as it did, the flash and the heat.
- Jason Vance: In talking about, you know, that instance, you know, your backdrop is illuminated briefly. Correct?
- Jon Mattingly: Correct.
- Jason Vance: And if you had a dark space, you know, a door that's now open, and you have illumination behind you—whether you had your tactical light on, would—in your experience, this is what I'm asking—you would be illuminated more than...?
- Jon Mattingly: Yes, I would be highlighted.
- Jason Vance: Right.
- Jon Mattingly: Right.
- Jason Vance: And you just said this. You saw a muzzle flash, and then you feel the gunshot.
- Jon Mattingly: Yes, at the same time. There was no difference in time. It is...
- Jason Vance: Do you know whether or not—I mean, you kind of described you were on your butt in some position and you see back at some point, but did you immediately drop down?
- Jon Mattingly: No. I got four rounds off and all that. As soon as I did—as soon as he fired, I fired back, "boom-boom-boom-boom." I stepped back and went down. I don't know if my leg gave out or if I just instinct from the two standing or four standing, two kneeling, like they do. I don't know. Just get off the center of that just kicked in. I got off-center, got behind the door, and I went to the left and went down. I'm not sure how. And then just came around and got two off and then just kind of let them take over. I only shot behind the head. You know.

Page 12

Jason Vance: Right. And you just spoke that's what I was getting to. Because of your positioning, you know, initially when you're shot, and rightfully so, you're returning fire.

Jon Mattingly: Mm-hmm (affirmative).

Jason Vance: You know, you just said you made a wise decision. "You know, I'm injured. I need to move so they can protect themselves and me as well." And I'm putting words in your mouth.

Jon Mattingly: No, that's it.

Jason Vance: Okay.

Jon Mattingly: That's it. So, I need to get out of their way and so they can do whatever they need to do. I didn't want to take one for them.

Jason Vance: Right.

Jon Mattingly: I mean, all that comes into play in your head. Like I said, your brain was working unbelievably quick.

Jason Vance: I think under a lot of stress we lose our converse skills. I think it's coming in right now.

Jon Mattingly: Mm-hmm (affirmative).

Jason Vance: So, you're pulling - you're referring to the door as you face it—so the left, right? So, at this point you're almost like this.

Jon Mattingly: Correct.

Jason Vance: Nose is always on the right.

Jon Mattingly: Right.

Jason Vance: And you believe the time of the shooting that Tony James and Myles Cosgrove were behind you, right?

Jon Mattingly: They were on my left, yes.

Jason Vance: Okay.

Jon Mattingly: Behind me to my left. On my left.

Jason Vance: Okay. On your left.

Jon Mattingly: Yes.

- Jason Vance: So, at some point, you know, I know we heard from the witness interviews that Tony had (inaudible). You just got another round.
- Jon Mattingly: Yeah.
- Jason Vance: Okay. But at some point...
- Jon Mattingly: I never saw Tony. The only face I ever saw, and I mean clear - again, everything was kind of like shadows to me, as far as she was here. I remember somebody over there, which was probably Hoover because he probably followed me out. But as I got up and left, I looked to my left to try to cross the doorway to get across. I don't remember seeing a door, but I saw Mike underneath the stairwell. The stairwell is here and the door's here. I remember him...
- Jason Vance: Notch.
- Jon Mattingly: Yeah. I remember him crossing over here, seeing his face. That's the only face I saw until I saw Cam on the ground. Those are the only two faces I recognized as I was going down.
- Jason Vance: Just because of your position.
- Jon Mattingly: Right.
- Jason Vance: Are you aware of whether or not there was officers with you that returned fire?
- {Crosstalk}
- Jon Mattingly: I never saw anybody return fire.
- Jason Vance: Okay.
- Jon Mattingly: I heard it, once I got out between cars, but right now ...
- Amanda Seelye: Do you know when you fired if all of them were with you?
- Jon Mattingly: Yeah. I don't think they did—especially those initial four. I know that they didn't. It was just me and this guy. That was it. Other than that—after that, I'm not really sure.
- Jason Vance: But, at that point, do you think anyone ever...
- Jon Mattingly: No.
- Jason Vance: ... had a position where they could have shot?
- Amanda Seelye: I just wanted to really quick, because I was waiting – initially we were talking about sitting at the door. So did the door come all the way off its hinges?

Jon Mattingly: It went fast. And it went from right to left. So, it opened from left to right and it opened all the way up.

Amanda Seelye: Why?

{Crosstalk}

Jon Mattingly: I don't remember anything else than that.

Amanda Seelye: And you admit you said that the guy was stretched out. What did you mean by that?

Jon Mattingly: I mean both hands pushed out and in a shooting stance.

Amanda Seelye: Okay.

Jason Vance: Did you hear them? Do remember them, the occupants, say anything to you guys.

Amanda Seelye: I mean was it like that? You probably heard...

Jon Mattingly: Yes.

Amanda Seelye: ... some talking to you, and that guy was maybe down the hall.

Jon Mattingly: I'm not sure I heard it. I think, when he heard that, I was kind of judging whatever the situation going on upstairs was between Brett and this guy.

Jason Vance: If you had would you characterize that verbal contact with that resident?

Jon Mattingly: He was being like (inaudible). Its kind of changed the tactics of the situation.

Jason Vance: It did.

Jon Mattingly: He did pull away from a lot of it and he was being belligerent. I don't know why. I mean, I don't know if he was drunk or what. He was being very hostile from the get-go. As soon as the contact was made, he was just arguing back with us and saying, "Just get out of my apartment. Just get out of my apartment."

Jason Vance: But you never physically or you never ever actually saw him?

Jon Mattingly: No.

Jason Vance: Because of the position you were in.

Jon Mattingly: Right. I was underneath of the hallway.

Jason Vance: Right.

Amanda Seelye: You said you guys didn't initially announce...

- Jon Mattingly: No, first banging, we did not announce. I think after that he did that we did. You can be sure for the second. But again, there was probably six or seven different contacts of multiple banging on the doors, and after that each one of them had "Police, we have a search warrant. We have a search warrant." And I remember Brett when he was (sounds like: partying @34:50) with this guy while he was knocking on it. "Police search warrant, police search warrant, police search warrant, police search warrant." I mean, he was repeating all over the place. Because while he was in contact with him, and I'm banging, he's yelling "Police search warrant, police search warrant," over and over and over.
- Amanda Seelye: So was Mike also knocking or was it just you two?
- Jon Mattingly: (Sounds like: I was with knocking the whole time. @35:14)
- Amanda Seelye: So, was anybody else say yelling "police search warrant" besides you?
- Jon Mattingly: Yes. Yes, multiple people.
- Amanda Seelye: So, kind of at the same time or...
- Jon Mattingly: (Sounds like: No. Same time. @35:25)
- Jason Vance: So, in the preoperational briefing, you guys considered this location—I've heard this a couple times throughout this investigation, the soft part, right? Based on the information that the lead had concerning the entire investigation, organization of drug trafficking. So that's what kind of made you all come up with the original pamphlets on not trying to get hurt or the most passive ways to try to serve the warrant. Right?
- Amanda Seelye: So, you were shot in the left leg, you a period on it.
- Jon Mattingly: Probably five yards.
- Jason Vance: What do you keep in your wallet? Other than...
- Jon Mattingly: Debit cards, credit cards, money, it's got an old clip (sounds like: and some stuff @36:35).
- Jason Vance: And you carry your wallet in your pocket? Some guys...
- Jon Mattingly: I carry it in the back. The one in the back is my wallet. Now I remember the EMS because the EMS, the guy going through my pants, basically what was (sounds like: tied to me @36:55) what they couldn't get out of the top, my wallet was flipped inside out - or my pant pockets flipped inside out, and I remember ripping my pocket open and pulling my wallet out and handing it to Tony because I didn't want it to get lost, and I didn't realize a bullet had gone through it at that point. And I handed it to Tony and I pulled up (sounds like: Orie @37:14) and I undid my main belt and took my vest off and said "I don't want this stuff getting lost." And then eventually Tony or somebody realized there was a hole in it and (sounds like: docked it @37:25) for (sounds like: a team later @ 37:27).

Page 16

- Jason Vance: (Sounds like: And you did get it later @ 37:29), correct?
- Jon Mattingly: Right.
- Amanda Seelye: Did Tony return it to you?
- Jon Mattingly: He did.
- Jason Vance: So, the initial the guys from your - your initial people were Tony James and Mike Nobles?
- Jon Mattingly: Correct.
- Jason Vance: We won't get into, you know, any really specific details of your injuries. I mean, obviously you were shot in your leg. It was a serious injury. As far as that, you were released from the hospital Monday...
- Jon Mattingly: The 16th.
- Jason Vance: The 16th, yeah. So what did the doctor say as like, you know, the severity, you know?
- Jon Mattingly: I went to physical therapy this morning. There's some numbness, I can't feel my thigh and on the calf, the bottom. He said it could come back—the feeling—could not, may not, because a lot of nerves are generated. He expects, barring all of those things, it might be a knee injury now, because we just discovered (sounds like: AC auxil. stuff @38:35), maybe from stepping off the curb. I'm not sure, because the quad muscle apparently quit functioning when it hit. I know I couldn't put weight on it, but I didn't know why. It's that quad muscle stops working, so it stops going like...
- Jason Vance: So you're looking, maybe, at additional surgeries?
- Jon Mattingly: Possibly. I don't know yet. I don't have that appointment until April.
- Jason Vance: Just because of this current situation we're dealing with?
- Jon Mattingly: Yeah.
- Jason Vance: Is there any question that we haven't asked you that's important to ask?
- Jon Mattingly: I don't think so.
- Jason Vance: Does he have anything?
- Steve Schwartz: (Inaudible) the execution search warrant, was the warrant authorized as a "knock" or "no knock"? Or do you even remember?
- Jon Mattingly: Well, I verbally heard we had it signed as a no knock, but we weren't go that route. We prefer to do the "knock." On the board it was written, no knock, no knock, (sounds like: knock when you get to the house @39:36), but just because

(sounds like: they put no knock on the warrant, we want to send them a knock @39:41); we were told it was.

Steve Schwartz: Right.

Jon Mattingly: But then they asked us to do it the other route.

Steve Schwartz: Got you. That's all I got.

Amanda Seelye: Do you know why they would have maybe...

Jon Mattingly: Had decided to change? No.

Amanda Seelye: And then prior to whenever you guys arrived, (sounds like: you said you were kind of stacked @39:58). Is that something you guys kind of do the same as a group or do you just - does it ...

Jon Mattingly: It depends on the room we have available to us. This breezeway was very small, and the best way to kind of go, you know, go in the left or right. You couldn't fit everybody on the left side and the best advantage because when the door swings open, because you don't want anybody exposed on the right, was to run them by the stairwell, so you just kind of fit in where you get in and the rest are going to have straggle in after on the right side.

Jason Vance: Would you describe it as a pretty – as far as the location, there wasn't supposed to be a threat there? It's considered a soft location, a soft target location. Which as far as serving warrants, when you've got nearly 20 years of this experience, would you say that the position of that apartment would make extremely difficult?

Jon Mattingly: It made it a little difficult, but it's not the most difficult I've had. You know? But it was a tight squeeze to get the guys that - especially the guys that don't do all your warrants with, you know - but everybody fell in place where they're supposed to so. But, yeah, it wasn't ideal.

Jason Vance: It's important to know who the members in that group are that you actually communicated with and you actually work with every day?

Jon Mattingly: Well Mike Nobles. Mike Nobles works with me every day. Well, he actually reports to me, (sounds like: but he's besides the county sheriff's places @41:27) and we work together every day.

Jason Vance: So, members of the CIE typically work every day together. I mean, we're also expected to have the same tactics, and I understand that. But, also keep in mind, I know it's my theory that when you do things with others, you know, you kind of know what that persons' thinking somehow; you know how they kind of get through these situations.

Jon Mattingly: Right.

Page 18

- Jason Vance: And the guys agree with the facts, so I don't want to, you know, say something about that.
- Amanda Seelye: Is there anything you (sounds like: were saving for me? Is your man @ 42:05) telling the truth, yes or no?
- Jon Mattingly: Yes.
- Amanda Seelye: We'll conclude this. 1-2-3-6.
{Beep, indicating end of recording}
- Jeff Ogg: Are there any questions?
- Male: Lots of them. It sounded to me like this was a little bit confusing. I could (inaudible) and were originally put together and (inaudible) Breonna Taylor. Can you explain that?
- Jeff Ogg: They all were investigators besides the litigations commission but based on what everybody said they all had work to do.
- Male: My next question is this. Can one of you explain how he made entry into the apartment? Because we all could see literally it was clear and then he saw a guy with a gun and as he was trying to exit, this is where he made a mistake.
- Jeff Ogg: As he was crossing the threshold.
- Male: As he was crossing the threshold.
- Female: After he had cleared the room.
- Male: After he had cleared the room.
- Barbara Whaley: Excuse me for interrupting, you all, you'll have all the time to discuss with each other during your deliberations. But right now, we're asking if you have specific questions for Detective Ogg about this interview.
- Male: Okay. My next question...
- Jeff Ogg: My approach to the understanding of it was he's here, the door comes open, he looks as far as he can here, from the doorway. The door's here. At some point...
{Crosstalk}
- Jeff Ogg: He goes this way. See?
- Male: He goes this way?

Page 19

Jeff Ogg: This is the door itself. This is the door. So, he's here and the door, you know, the door comes open, he kind of looks this way, the best he can and he looks around, and he steps in here past the (inaudible). He looks here (sounds like: the next thing he sees is not in here @ 43:36). Understand he doesn't step in here. He's still right here. And that's when he sees the figures.

Male: That answers my next question. (Sounds like: How could he see him coming through the light? @ 44:45)

{Crosstalk}

Jeff Ogg: Okay! I'm going to read the transcript from Sergeant Mattingly's statement (sounds like: for 09-13 for his words. @45:14)

Barbara Whaley: The transcript of this interview we just played.

Jeff Ogg: Okay. "Any time he gets to the good spot, he loudly knocks on the door. You can see, I can see the deadbolt at length, I see a crack in the door into the - leading into the apartment so I said 'this one's going to go' so he hit it the third time and as soon as he hit the door it came open again, and he yelled 'police search warrant, police search warrant.' The door went to the corner, I could see clear the living room on the right-hand side you can see the sliding glass door. As I turned the corner"...

Barbara Whaley: This, this is the part where he turns the corner.

{Crosstalk}

Jeff Ogg: Yeah. He's still here. He says he clears. He's referring to what he sees.

{cross talk}

Male 1: I understand. He sees him he says as he turns the corner.

Jeff Off: "As I turn the corner."

Male 1: As he turns the corner.

Jeff Ogg: As he turns the corner. You see, right now he's looking.

Male 1: Okay.

Jeff Ogg: "As I turned the corner, as soon as I cleared the threshold of the front door, I could see down the hallway." So, I definitely cleared the threshold. You're stand right over here.

Male 1: Okay.

Page 20

Jeff Ogg: Right here. Because he's over here, remember? The door's this way. When he clears it, he's looking this way?

Male 1: Yeah. Okay.

Jeff Ogg: "As I turned the corner, as soon as I cleared the threshold of the front door, I see down the hallway. The mind works so quickly in a situation that's unreal, but as soon as I cleared it, I faced upon - probably about 20 feet away down that hallway was their bedroom door on the right. There's a male and a female. The male is closest to the door, so he's to my right." So, he is here. "And as I turned the doorway - and as I turned the doorway he was in a stretched-out position with his hands with a gun." He's like this over here. The male subject comes like this (inaudible) his pistol here, and he says the male subject was closest to that door. So, he's like this.

Female: Well (inaudible)?

Jeff Ogg: Well, he backs up. Because previously he said he sees there's a male and a female. Probably from a height difference. At the doorway, he's in his chest out position with his hands over the gun and as soon as that clears, he fires, boom. (Sounds like: And it was almost like machine guns. @48:10).

Female: (Inaudible)

Jeff Ogg: I'm sorry?

{Crosstalk}

Jeff Ogg: Yeah, looking down the door - or looking at the hallway, this way, the male, female; the male is on the right closest to this door. Yes.

Female: Can you clarify some of the officers' names (sound like: from the place as he was talking about them. @48:48)?

Jeff Ogg: I think Mike Nobles was the one that had the ram. He was the one on the right on this side of the door, on this side of the door, striking the door, the door handle and the lock, doorknob with the ram. He's here. Detective Tony James, he thinks he's behind Myles, protecting Myles Cosgrove. He's not sure which, but he thinks those two are behind him.

Male 1: Which one is here?

Jeff Ogg: Tony James. Detective James.

Male 1: I thought Tony James was behind him.

Female: (Sounds like: Was it wrong for him to be standing over there while he was at the door. @49:33)

Page 21

Jeff Ogg: Oh yes. That's because of security. If this was wider, at least from my experiences, if this is a wider area, the only person who would have been here, they would have all gone in, in light of the situation.

Female: So they would have went in and definitely it would be, you said, (sounds like: Tom walking with a shield for each person, right @50:13)?

Male: No, then who's going to be in front of them.

Jeff Ogg: Then that's a question for...

Female: For them.

Jeff Ogg: Yes. (Sounds like: As documented earlier @50:22), maybe that would have been better tactics than my first judgment. For me judging...

Female: Right.

Jeff Ogg: ... as I tried to judge the situation.

Male: Was he right-handed or left-handed?

Jeff Ogg: I think he was a right-handed dude. I can't say for sure, but I think he's right-handed.

Female: What's Hoover's first name?

Jeff Ogg: Shawn Hoover. And he's what do you think? He's back here—he's in the back of the stack—approximately.

Male 1: So, when you say he's (inaudible).

Jeff Ogg: Right. And you'll hear some conditional statements alleging that about what was upstairs.

Male 1: I'm thinking that all around (sounds like: letters were wrong and everyone knows that @51:25).

Jeff Ogg: As far as I know, as far as – yes, they did. Or if they hadn't already (sound like: highlighted, then @51:34) I don't know. As far as we know, Sergeant Mattingly did as soon as he entered across the threshold after he was sighted. Yes ma'am?

Female: Are you open to it, because you said when he came after get shot he fell off the curb? That was the curb to the parking lot?

Jeff Ogg: Yes. Over here. He actually goes and scoots himself over.

Page 22

- Female: Which officer did he run into?
- Jeff Ogg: He tripped over Detective Mike Campbell.
- Unknown: (Inaudible)
- Jeff Ogg: Yes, he was the one that was with him at the apartments. But after they all got there, Detective Campbell rolls up with (inaudible).
- Male: So far in this conversation, it sounds as if after he got shot, he turned all the way around because he says he was starting going left to right. You said he was coming around here to the right, I'm thinking that (inaudible) go around. With process of elimination (inaudible).
- Jeff Ogg: Well they had (inaudible). Pit stopped.
- Male: Okay.
- Jeff Ogg: He – after he gets shot, he turns toward them, fires four shots. He's kind of here.
- Male: To the left?
- Jeff Ogg: To the left of the door looking down here. He shoots two more times. He's down at this side. At some point he drops his gun, let's go of his gun. Then he can't walk, he's stupid now. I think at some point he kind of staggers up and then he trips over Detective Campbell over here somewhere.
- {Inaudible Crosstalk from 0:53:20 until 53:58}
- Jeff Ogg: Okay, I'm going to read a little bit more from Sergeant Mattingly's transcript. "So, at some point we go (inaudible) this interview (inaudible). Do you know if that was utilized at all (inaudible)? Yes, I know. At some point, I never saw it coming. The only face I saw that I could remember (inaudible) as far as who's who. Remember somebody over here which was probably Hoover because he was probably already out there. As I got up, I looked to my left and tried to call (inaudible) to get a car."
- Male: (Inaudible).
- Jeff Ogg: "I don't remember seeing them, but I saw Mike, Mike Nobles, underneath the stairwell. The stairwell...."
- Male: (Inaudible).
- Jeff Ogg: Yeah, the stairwell's right this way.
- Unknown: (Inaudible).

Page 23

Jeff Ogg: The stairwell—here's the door here. So, he—if he's leaving, Hoover's behind him. Mattingly is going this way. He crosses the threshold. He sees Nobles underneath that stairwell, because—remember, he drops to the ground.

{Crosstalk}

Jeff Ogg: “Now if you've ever been past, I've never seen his face. It's the only face I saw until I saw Campbell on the ground. Those are the only two faces I recognize as I was going down. Just because they were positioned on the right. Are you aware (inaudible) that there were officers with you (inaudible)? (Inaudible).”

Male: This is—I must say, this is very improbable. (Inaudible).

Jeff Ogg: Mm-hmm.

Male: And once again he knows there were two people behind him—or thinks there's two people behind him.

Jeff Ogg: Mm-hmm.

Male: In the course of this, some guy comes out of this door (inaudible) an officer at the bottom of the steps, talks to him and gets him to go back inside. Trying to get him to go back inside. At the same time, the officers there are still at the door constantly knocking on the door.

Jeff Ogg: Yes.

Male: And the—I'm not saying this is the (inaudible) again until they had this conversation when there were on the steps. Then they start something that looks...

{Crosstalk}

Barbara Whaley: Remember we're not going to have discussions between grand jurors.

{Crosstalk}

Male: (Inaudible) go back to that – he (inaudible).

{Crosstalk}

Jeff Ogg: Okay here we go. The documents. “While he was in contact with him and the (inaudible) police search of the (inaudible). So, was it Mike Nobles who did any knocking or just you that did? I was the only one that knocked. The only one that was knocking. So, was anyone else given a police search warrant besides you and Greg?” Detective answers. “Yes, multiple people. Okay, yes, had it at the same time, yes. All of it was kind of (inaudible). Carry each other's (inaudible).” Most people (inaudible).

Female: After the conversations, (inaudible)...

Jeff Ogg: Hold on, there's another area here. I was looking for that. "Okay, so you said you guys said you were basically announced. No, the first bang on the door was not announced. I think after that we did. Now, I couldn't be sure for the second, but again there were probably six or seven different contacts, multiple bangings on the door. After that each one of them had 'Police search warrant. Police search warrant.' I even remember Greg, he was arguing with this guy while we were knocking, going, 'Police search warrant, police search warrant, police search warrant, police search.' And he was confused. The guy had to know it was - from what I heard what he said, they were - after the first knock. First knock they didn't announce, and after that, "Police search warrant, police search warrant."

Male: I wasn't confused.

Jeff Ogg: I'm sorry?

Male: I wasn't confused. (Inaudible)...

Jeff Ogg: Hankison was knocking, and you'll hear later that – Sergeant Jon Mattingly and Hoover – Hankison – they were the loudest (inaudible).

Female: He was the one with the (inaudible).

Male: (Inaudible).

Female: (Inaudible).

Jeff Ogg: Okay, to – going to the talking issue, topic. "So, I was basically in front of the back door of the other apartment, just out by the slider. We got in line. I knock on the door, banged on it. We didn't announce the first couple, because our intent was not to hit the door. Our intent was to give her plenty of time to come to the door because we said she was probably there alone. We determined, were predetermined to give her plenty of time to come to the door. Banging on the door, no response. Banging on it again, no response. Then is when we started announcing ourselves, 'Police. Police, please come to the door. Police, we have a search warrant.' And while we're doing this there, there was a neighbor or somebody upstairs, right on the staircase that started arguing with Detective Hankison and Lieutenant Hoover. They were all giving commands to go back into the apartment. He kept saying he wasn't really paying attention to what he was trying to say. Something about maybe not getting along with him, something like that. And I go, 'Well, while he was doing that, there were two other guys saying, 'Police come to the door. Police, search warrant.' Bang. Probably banging six or seven different time periods. Not six or seven times, six or seven different times. Well, it seems like an eternity to open the doorway, but it probably lasted between 45 seconds and a minute. Banging on the door, and about that time I look back at Lieutenant Hoover and he says, "Just go ahead and get it."

Female: I just want to clarify the timing of the incident. So, they served this at around 12:40?

Page 25

Male: Correct.

Female: The first 911 call began at 12:43?

Jeff Ogg: That's how (inaudible).

Female: That's a span of three minutes. When they saw - the only light they saw on was in the very back of the apartment, which was a TV. So, we're assuming that person was in bed. So, there was enough time to come to the door in two-to-three minutes?

Jeff Ogg: Apparently, that was the time, but (inaudible) was in the time. I don't know. That's the time that we were given, approximately, that they gave for it. I don't know if someone looked at their watch and said....

{Crosstalk}

Jeff Ogg: I'm sorry?

Female: So 12:40 is not necessarily the time...

Jeff Ogg: Well, I—look, I don't know if anybody – there was no doubt that they were on the scene at 00:35. 12:35. All it takes is it gets us to approximately 00:40, 12:40. We know that the time for the 911 call, 12:43, is correct because that time is documented in the police report specifically.

Female: You've got the radio time tracking Hankison at 12:43.

Jeff Ogg: Yeah, that's... Also, Detective Hankison's radio call came out at 00:43, 12:43, I think, and 20 seconds. So, all that happened – in two or three minutes.

{Crosstalk}

Male: (Inaudible). It's like he doesn't know where the shield was.

Jeff Ogg: Well, we know that James, Detective James, who has the shield, he knows that he and Myles Cosgrove were behind him, I don't know which order exactly, he knows - he's here, James and Detective Cosgrove were behind him, somewhere. He knows that James had the shield. But, to be honest with you, I don't know why Detective James wasn't - Okay, the next was the two interviews with Detective Cosgrove, Myles Cosgrove. The first one was conducted with Detective Cosgrove, by the Louisville Metro Police Department's Public Integrity Unit on March 25 by Sergeant Amanda Seelye and Sergeant Jason Vance. Jon Mattingly comes up. The second interview was conducted with Detective Cosgrove on September 18 by me, at our office in Frankfurt.

Amanda Seelye: This is Sergeant Amanda Seelye, Louisville Police Department Public Integrity Unit. Today's date is Wednesday, March 25, 2020. The time is 13:57. We are present at 3672 Taylor Boulevard, Public Integrity Office. This will be the return statement from Detective Myles Cosgrove. This statement is in reference to PID case number 20-0-20-019. Present with me is Detective Myles Cosgrove,

attorney Steve Schwartz, and Sergeant Jason Vance of the Public Integrity Unit. Detective, are you aware that this statement is being video, and audio taped?

Myles Cosgrove: Yes ma'am.

Amanda Seelye: Does this meet with your approval?

Myles Cosgrove: Yes ma'am.

Amanda Seelye: Please state your full name and spell your last name.

Myles Cosgrove: My name is Myles Cosgrove. Last name, C-O-S-G-R-O-V-E. Yes sir.

Amanda Seelye: What is your coat number?

Myles Cosgrove: 7519.

Amanda Seelye: Where are you currently assigned?

Myles Cosgrove: To narcotics – correction, it's now part of the (inaudible) division, CID.

Amanda Seelye: How long have you been with that unit?

Myles Cosgrove: Just over three years, probably.

Amanda Seelye: How long have you been with the department?

Myles Cosgrove: 15 and change.

Amanda Seelye: Are you under the influence of alcohol, drugs, or any other intoxicant at this time?

Myles Cosgrove: No.

Amanda Seelye: Are you taking any kind of medication that would affect your judgement or your ability to think clearly?

Myles Cosgrove: No.

Amanda Seelye: This next set of questions are in reference to the actual incident on the evening of March 13, 2020, at the Springfield address. Did you sustain any injuries during the situation?

Myles Cosgrove: No.

Amanda Seelye: Receive any medical treatment?

Myles Cosgrove: No.

Amanda Seelye: What type of uniform or clothing were you wearing at the time of this incident?

Page 27

- Myles Cosgrove: I was wearing what we call a plain-clothes uniform. I had my black tactical vest on, with white police lettering. Under that, I had, I think, a green long-sleeved shirt that might - I had a long-sleeved shirt on. Then I had tan or tan-brownish colored (inaudible) pants. Cargo pants like that.
- Amanda Seelye: Okay. Do you have the same uniform or clothing on right now?
- Myles Cosgrove: No.
- Amanda Seelye: Because of the statutory requirements care of 67C326, I'm obligated to advise you of your constitutional rights prior to any further questions. I'm going to be direct with you, I've already filled out the place and the date, and time as 13:59. Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say will be used against you in a court of law. You have the right to talk to a lawyer prior to any questioning, or the making of any statements, and to have them present with you while you are being questioned. If you cannot afford to hire a lawyer, one will be appointed by a court to represent you before any questioning if you desire one. You may stop the questioning or making of any statements at any time by refusing to answer further of our request to consult with an attorney prior to continue with questioning or making of any statements. Section (inaudible) that you've read the statement of rights. I can let you read this. (Inaudible).
- Jason Vance: Yeah, it just basically, if you you're (inaudible) rights, and this is what you're saying if you sign this form. She respected my rights; I understand what my rights are. I'm willing to make a statement and answer questions and or not at this time unless a lawyer is present. I understand and know what I am doing, no pressure or consequences of threats have been made to me. No pressure or force of any kind have been made. Basically, it's saying, we are not twisting your arm to get this done.
- Myles Cosgrove: Yes, sir.
- {Crosstalk}
- Amanda Seelye: In your own words, the incident that occurred on Friday the 13, 2020 at 3003 Springfield Drive, Apartment 4. The incident you were involved in (inaudible).
- Myles Cosgrove: Alright. I'll start from, I guess, the roll call room. So, at approximately 10 o'clock we were going to—all of the narcotics or CID were told to meet in the roll call room to assist the place-based unit with several warrants that they were briefing. I was seated next to (sounds like: Prell @1:09:54) and we were assigned. I was assigned with Jon Mattingly, Brett Hankison, Tony James, Mike Campbell, who was actually already out there with the eye, and Lieutenant (inaudible). I believe that's all of the folks were assigned to this (inaudible). We were asked repeatedly by and during briefing that this was a, what I call a soft target. We were asked that the—to please knock and announce and to use our maturity as investigators to get into this house. To not, basically, hit the door. Even though they had a – no one on our report signed it. So, after the briefing, there was probably an hour or so for people to rally up at certain locations. And I proceeded to go to a church located on—I'm not really familiar with this area, like,

Manson Road, Saint Andrew's Church Road—where we were off to rally at—our group was to rally up to go to our location. And we wait in this lot for a half an hour or so, and while waiting at the lot, Jon Mattingly drove by the (inaudible) to confirm where we were going. Mike Campbell was on the eye, I'd spoken to him, and he explained where we were going as well. The route up to this place was explained, was kind of tricky to get to, due to how large the parking lot was for these various apartment complexes. So, we waited in the parking lot for a half hour or so and while in the parking lot, EMS is there waiting for us. So, at some point during this waiting, a call comes out over the radio for everybody to move out and advance. So, I call Mike Campbell and tell him, to give him a heads-up that we're going to be moving out, which is about a 5-7-minute drive probably from where we're at. I'm in the car, I think Jon is leading. And everyone is getting ready to convoy up there, and at the last second, Lieutenant Hoover decides to get in my car, so we can consolidate bodies and not have as many vehicles going up to this area. So, we wait at this intersection for around a minute or so, then we start up towards our assignment. In the meantime, there's radio chatter, and I wasn't really paying attention too much what's happening over there. We took several turns to get to our apartment, and at one point I think one of our cars took a false turn, and we had to slow down to get everything back in the same. We get to the parking lot, our parking area, and everybody kind of peels off and parks in a close walk to the apartment. I end up parking next to a kind of a dumpster area to the right side of the building that we were going to. Everyone exits their vehicles, and we meet up more-or-less at the sidewalk area—sidewalk vestibule area to walk into this apartment building. I, being one of the last guys that had walked up, naturally my assignment is to cover probably the sliding glass door or the windows, you know, exit points for people. The rest of the individuals are lining up on the, what I want to call the apartment vestibule, the entryway, kind of to the left of the stairwell that led up to the second floor. We were on the ground floor. So, everyone's kind of moving to get into position, and I am standing more-or-less in front of the sliding glass door. And someone proceeds to knock on the door and knock and announce. Typically, we say, "Police, search warrant, come to the door." I'm not exactly sure what they said verbatim, but I know I did hear the words, "Police, search warrant." They knock, and they knock, and they knock. And this goes on for probably a minute. And during that minute, I am shining my light—my flashlight—into the sliding glass door and into this side window which is more than likely a bathroom window that is to the right of the sliding glass door. I'm just in this area seeing if I could see movement or shadows or lighting or hear anything for that matter. And then I hear some challenge words – blatantly Brett Hankison's challenging somebody. So, I come around from the sliding glass door because where I was initially standing, I can't see anything. So, I come to kind of like where the sidewalk and the entry sidewalk meet, and I can see that Brett Hankison is challenging a male individual who is standing in a door—like an open door in an apartment directly above the apartment that they are knocking and announcing at. They have an interaction, Brett Hankison and this gentleman upstairs, who was told to go into his house. There's quite a bit of shouting going on, they're still knocking on the door. And the ordeal—that Brett is dealing with this gentleman upstairs—is very loud. And the gentleman upstairs says something like—and again, I'm not - this is not a quote—but I hear something like, "Leave that girl alone," or "There's a girl there." Something like that. So, the command to hit the door is given by someone in the stack. At this point, two minutes has probably gone by. Possibly two-and-a-half minutes have gone by.

I'm still standing at the sidewalk—kind of the T-intersection at the end of the stairs closer to the sliding glass door than I am to the front door. Most of the stack is standing to the left of the door. And the command is given to go ahead and hit the door and get in. Mike Nobles has the ram, and it's his responsibility to now open the door. Mike Nobles hits the door once, and that's when I realized the Mike Nobles does not have what we call a cover-two-person, meaning that Mike Nobles has now exposed, and Mike Nobles having a tool in his hand, a heavy ram, has no way to protect himself. So, I see the Mike Nobles is in a vulnerable position, or about to be in a vulnerable position, because he doesn't have a cover person. Most of us are stacked up to the left side of this doorstep. Mike Nobles hits the door again. On the first hit and the second hit, the door just does this bowing, flexing. And I see that Nobles doesn't have the cover, so I'm walking, speed walking, kind of fast walking to Nobles' position. Mike Nobles hits the door a third time, possibly a fourth time. I now am maybe a half-step to a step behind Mike Nobles when the door actually breaches, or when the door opens. Due to my position, I really don't have a good visual of inside of this apartment because I'm looking at, basically, still the door—where the door was. We call this first light. So, the folks on the left side of this door would have first light, meaning that the door opens more to the left side. So, Jon Mattingly—who at the time I didn't know it was Jon Mattingly—Jon Mattingly is the first person that enters the threshold of the door. And I, my assignment is now to go in behind this person that goes into this apartment. So, I at probably a step, half-step behind individuals that are entering this apartment complex—or, this apartment. I'm immediately overwhelmed with this darkness this is—it is extremely dark in this apartment. As Jon Mattingly is more-or-less just past the threshold—the doorframe, the doorway—I see a blinding vivid white light, and I see blackness at the same time. Just dark, dark, deep black, and just vivid white flashes. At the same time, I'm seeing these flashes, I know that Jon Mattingly is at my feet. I am also not hearing anything. It is completely mute. The flashes continue, these white vivid flashes in this darkness, and I know that someone is at my feet, and I'm still at the threshold of this doorway—the welcome mat area of this door. And Jon, this person below me is shuffling around me—is moving around me, and I believe at one point I'm standing on this person that is below me. I know that someone has been shot, that Jon has been injured. I continue to see this blinding light, these vivid white flashes, and I see this darkness in front of me, followed by—and this is hard for me to explain—but I see this distorted shadowy mass figure, this figure in front of me, that is just coming and going with this flashing light. This is all happening, again, in seconds. I'm still standing in more-or-less the same spot in the threshold. Again, I can hear nothing, it's completely muted; there is no sound. I turn, and I can see that Jon Mattingly is being pulled or scooped back, some kind of moving back from behind me. I know—well, fairly positive that before returning to look at—to know that he had left, or to know that he had moved, I'm almost positive that I had fired during those flashes, and during that vivid—those vivid white and black and grey colors I was seeing. So, Jon is being moved or pulled from behind me. Can I take just one second here? So, I realize that Jon is being moved, and I also had been moving backwards, or leaving the threshold, this welcome mat area of the door. Jon is being kind of shuffled on his butt, and folks are pulling at him. This is all occurring between the doorway and between the stairwell, so in kind of a confined space that we're in. I still see these vivid white flashes, and I don't see darkness anymore, but I'm seeing this vivid flashing, and I'm starting to see a bigger picture. I don't know if that makes any sense, but I'm starting to see more

of things. I can also say that, when I was inside—when I was in this doorway, I'm not really seeing any – I'm not sure how to say that.

Jason Vance: Are you trying to say that the apartment was becoming more illuminated?

Myles Cosgrove: No, it was, the apartment was becoming smaller inside this—during this crisis, if that makes an ounce of sense. So, we are – they are dragging Jon out of this apartment and I am starting to see again, see colors and shapes. So, Jon is drug behind some cars in the parking lot and I must have taken a different route. We are now in the parking lot behind where cars are parked, pretty much right in front of the sliding glass door. I said, “Un-fuck yourselves and reload,” and I know that I needed to do that. I went ahead and reloaded while hiding behind this car. Jon with his being attended to, by folks. I look up at this apartment knowing that there is still a potential that we may have to encounter somebody exiting this place. I see that we are still kind of in a precarious spot, due to where we had decided to treat Jon. I told Hoover and probably other folks at the moment helping Jon that we needed to move. And there was a car parked in the parking lot roadway, a larger car of some kind, and we were helping Jon. Kind of drug him to the rear tire, left side of this car and Hoover asked for a tourniquet. I gave Hoover a tourniquet out of the medical pouch in my vest. Hoover goes to put this tourniquet on, and it looks like it breaks. So, I had an overwhelming sense to leave, that we needed to go. So, I run back up to the dumpster where my car is parked. I get in my car and I drive my car down to where they are working on Jon beside this SUV. I know that Brett Hankison is - I assume he is on the radio because it sounds like he is talking to the radio, and he is very loud. I popped open the trunk of the car to get my AR 15 out, and I see them still working on Jon. I go to my glove box and open my glove box and get out all the other trauma stuff that I have in there and I dump all this trauma stuff onto Jon's chest and then I go stand kind of in this rear section of this car/SUV so that I can cover the apartment. Because we are still standing more or less in front of this sliding glass door. Hoover is trying to hold Jon down to put a tourniquet to do something and Jon is just thrashing about from pain. I try to hold him down with my foot so that Hoover can do something with it, and I'm still trying to cover the sliding glass door area. Hankison is yelling to brand the gate, and I'm not exactly sure what this gate they were talking about is. It was briefed in the parking lot of the church that the route we were taking was a little odd because what I was seeing was construction but apparently there was some kind of vehicular gate that remains closed in these apartment complexes for whatever reason, probably to keep them separated. So Hankison is yelling very loudly to brand the gate and the next thing I know there is a patrolman there and his car is there, and he is helping Hoover and the other individuals treat Jon. I can overhear Hankison talking to EMS or talking about EMS and I know EMS is close, but they don't know where we are exactly, or they don't want to come up to us. I'm not sure what EMS – EMS is close, and I figure put Jon in the trunk of the car, or on the trunk of the car. So, Hoover and his patrolmen whose name is Cones. I don't know his first name and that may or may not be his name, but I believe his name is Cones. Cones, Lieutenant Hoover and somebody drove one car to EMS, which is located on the opposite side of where this gate was, right here. So now myself, Mike Campbell, and Hankison are the only folks in this parking lot covering the apartment. I would say a minute or so goes by and we are just watching this apartment. And Mike Campbell says something to the effect of “I hear somebody” or he hears somebody or something. About that same time the

patrolman comes back, and he is now on the left side of me and myself, the patrolman, Brett Hankison, and Mike Campbell are behind where cars are supposed to park in the parking lot facing this sliding glass door of this apartment. Mike Campbell says he hears an individual or hears noise in there and I tell Mike to attempt to call this person out. Mike is winded, would be a good word to use and Brett Hankison automatically takes control of calling this individual while myself, Campbell and Cones are covering the doors of this apartment. I would say some time goes by, a minute or so, a minute or two goes by and an individual, a male individual comes out of the apartment and my view right now is very limited due to the cars and due to the stairwell on the side of this house so all I can see pretty much is a torso of a person. And this person is moving very, very slowly. Almost slow motion, and not because of any physical aspects. The person is just very slow to move. Taking tiny steps, if that makes sense. Brett Hankison talks to this individual - he comes back to, kind of like where the base of the stairs is, in this apartment vestibule. A patrol dog is suddenly on my hip. And I can feel it breathing and the canine officer goes over to Brett and kind of verbally takes over giving demands to this individual. When the canine officer gave commands, this person seemed to walk normally I guess, or act natural. I noticed that Lieutenant Hoover is back now. I don't know if he had left or never left but now Lieutenant Hoover is back and I'm telling Hoover to—they're dealing with this person and they are being very noisy. And we are still trying to cover this house so I told Hoover to move him, get him out of here because we can't hear what's - we can't communicate with each other and still work this house due to how short we are in folks there. So, the guys moved and we continued to hold on this house. To my left, there is some kind of commotion. I tell some individuals that are close to me to just keep holding on this apartment. We wonder what's going on to my left. We will figure it out. I think we must have been there patrolling on this apartment for a while, several minutes, then finally SWAT shows up. During this gap of time, additional folks are coming. As soon as SWAT shows up, they pretty much took over what was happening. I kind of just stood in the rear of the area, out in the safe area. SWAT did their thing; they came back and forth. At some point they said it was safe. That's kind of it.

Jason Vance: So, we are talking about the end there. So, you said kind of just stood out behind the area. Go on from there. Did Chris formally get in contact with you? What did you do at that point?

Myles Cosgrove: Okay. I hadn't really thought about that.

Jason Vance: We're going to talk about conversations and his actions.

Myles Cosgrove: I was kind of hanging out in the safe area behind the barrack and I'm not exactly sure what happened in that kind of a timeframe. At some point I – that's right – Cole from narcotics is standing there talking to me and we just kind of walk around the parking lot, I think he was just there walking with me. So, I am just walking in this parking lot I guess, taking it in. I guess that is what it is, just walking around the parking lot with Cole. At some point we are told to kind of go away....

Page 32

- Jason Vance: So, you make contact with peer support and these peer supports provide transportation to (inaudible)?
- Myles Cosgrove: Yes. I'm not exactly sure when Michael, I think his name is Michael. At some point I came in contact with Michael. Which was probably 10 minutes or so before (inaudible).
- Jason Vance: Right, so you ultimately ended up being brought back to the county office...
- Myles Cosgrove: Yes.
- Jason Vance: Around (inaudible) and photographs and (inaudible).
- Myles Cosgrove: Correct. Do you want me to go into that?
- Jason Vance: Nope. We are good.
- Female: (Inaudible). We don't have a street level because he doesn't have an actual street level.
- Jason Vance: Yeah, so this is an overall of a single location. We've actually labeled this apartment building of the scene where the incident occurred as subcategory A, if you will. The gate that divides the two properties, and you said yourself, the gate was here to make a clear division between this apartment living community and the one that's adjacent to it. And we let that be. I'll give you a visual reference of what we are—as we go through this. In this photograph, photograph 2, it's a closer photograph of the actual apartment building. This is the location. This is where the incident took place. This isn't a picture of the day of the incident, so these cars were just, they don't matter. But the parking spaces would. To go back from the beginning, when you guys came down, you mentioned that you all got separated - you all were lined up like – you called it a stack of vehicles.
- Myles Cosgrove: Correct.
- Jason Vance: Because if you don't factor in if you can get access to this location from that gate not being there, to get to that location, it's kind of a puzzle. It winds and if you don't know where this is at, it's kind of hard to get to.
- Myles Cosgrove: Correct. Yes.
- Jason Vance: So, you end up all getting here, parking. You mentioned that you and Lieutenant Hoover were riding in your vehicle which is, what kind of car is that?
- Myles Cosgrove: Silver Nissan Ultima.
- Jason Vance: Silver Nissan Ultima. So, you guys get up here, kind of go back through - you may not know this, was there a vehicle parked somewhere in here when you all approached?

Myles Cosgrove: Yes. There was a white car here, or a—I don't know if it was an SUV but it was a bigger car, it may have been a SUV. There was a white vehicle parked, let's say right here. Behind this parking space.

Jason Vance: Did you guys address that before you actually got into position for entering?

Myles Cosgrove: No. I—let me go back like an hour earlier, before we even got there. Someone had come to our parking lot. Or maybe not, maybe it was just dumb luck, but Cole's tires on his place card and Jon Mattingly's tires on his place card had been either purposely cut or they both ran over the same damn (inaudible). So, prior to us leaving, Jon, who normally drives a dark-colored SUV - I think he drives a Dodge SUV maybe? I was going to say Charger. But he doesn't drive a car. So basically, Jon switches his cars out at the last minute and he's driving. I've never seen his car before, something like a 1998 Pacifica, something like that. I mean it looks like the Breaking Bad car, some hideous white thing. So, I assumed this vehicle here was Jon's vehicle because he led the stack. And I know that doesn't make any sense because we never do that, but with the confusion of coming down here, that was a possibility as to whose vehicle I thought this was Jon's borrowed car parked right here. And normally we wouldn't do that because that is tactically elementary. You don't park in front of the place you are going. You don't do that, so I thought that was Jon's car. And most of us I think are parked away, not even in the picture. Way over here.

Jason Vance: Okay.

Myles Cosgrove: Because we did not address it - or I didn't address it, I just assumed it was Jon's car.

Jason Vance: Okay. So, once you made your approach to the location, you describe you are just kind of hanging out, on the sidewalk and you have the patio door.

Myles Cosgrove: Correct.

Jason Vance: To verbalize the layout of the apartment building, its two floors, the target location, as far as you all were concerned is Apartment 4 which is on the first floor. And there is a staircase, an open staircase that leads to the second-floor apartments.

Myles Cosgrove: Correct.

Jason Vance: The patio door you were speaking about, is immediately to the right. It's the first patio door to the right into the entryway of those apartments

Myles Cosgrove: Correct.

Jason Vance: So, you are holding that patio door, and if you don't mind, we're going to go back and through what you did and now I don't want you to worry about something. If I say something that is incorrect, I want you to correct me. You go in—you eventually make your way into the entryway and at some point, Detective Hankison has a verbal contact with a resident from the second floor. In the process of this, you realize that, and you said it perfectly, that Detective Nobles,

who has a ram, who has a breaching tool, who is not armed and cannot be armed because he has a breaching tool, and has no cover - so you fill up as part of your training, you come up and are now considered his cover.

Myles Cosgrove: Correct.

Jason Vance: So, you come up and now, we will address this as we are looking at the door. So, we have the left-hand side of the door and the right-hand side of the door.

Myles Cosgrove: Okay.

Jason Vance: So, you're looking at the target location's door. Nobles has the ram on the right and you're his cover immediately behind him. I think you said a step or so behind him, so that's pretty close. But enough to where he has full motion where he can utilize his breaching tool. Would that be correct?

Myles Cosgrove: I – Yes but had I been doing the assignment correctly, yes, but I think just by me walking up there it was just happenstance that I happen to be the distance away. But yes.

Jason Vance: Before – and I'm trying to set up the positioning, so we won't get to entry just yet. So at that point if you're looking at the target door, on the right side it's Nobles, yourself, and on the left you have Sergeant Mattingly and who else? Do you remember?

Myles Cosgrove: I don't really remember. I know who was there but I don't know what everyone else was doing.

Jason Vance: Okay. Are you confident to say that Hankison was behind you? Because of the verbal contact he was having.

Myles Cosgrove: Yes and no. Hankison was initially in the stack in this area, and I'm here.

Jason Vance: Okay.

Myles Cosgrove: Hankison addresses the guy and then when they go to hit the door he moved people moved up. I'm not sure where anybody is at that point because I'm here, I'm not really paying attention to what – why would I watch? They're doing their thing. So when Nobles hits the door, hits it over again, and that's when I see that there's no cover and I (inaudible).

Jason Vance: That's okay, that's alright. We we're going to walk through this as slow as we can. So before the door is actually breached, you all knock on it once.

Myles Cosgrove: Yes.

Jason Vance: Can you kind of describe the whole – I know it was kind of a long period because...

Myles Cosgrove: Oh, the knocking and announcing. It gives me chills to think about how long we stood there. Not getting an answer to that door is nerve-wracking. And then to

knock on the door, have to challenge somebody who is obviously disturbed by our noise and commotion that we're creating, and then to have to continue to knock on the door again? That is nerve-wracking. I don't really have a word to...

Jason Vance: And why is it nerve-wracking, because it's an unknown threat?

Myles Cosgrove: Because you have this building, this room, this house or apartment that you're going to go into initially and now you are letting people that are in this house or apartment, you're telling them your cards basically. They know that you're outside because you're knocking and announcing. That's telling them that the police are outside and they have a legal reason to come in to the house by order of the search warrant. By being out there for that extended amount of time and folks not coming to the door? Either they're not home, which is the best thing because nobody's home. Or they're in there formulating some kind of plan to either do me harm, to do the people around me harm. I mean, nobody cares if they're in there destroying evidence, that's really beside the point. It's that they're in there having this time to plan to do something. And that is the nerve-wracking part as you're standing outside. You don't know what this plan is.

Jason Vance: And to kind of go back on this, I apologize, you mentioned you tried to illuminate the apartment from the outside with your flashlight?

Myles Cosgrove: Correct.

Jason Vance: Which is, I assume, one of the newer flashlights which is very bright.

Myles Cosgrove: It was not the newest one, it was the one they gave us two or three years ago. The baby brother of the new one, I guess.

Jason Vance: But it's not the old flashlights?

Myles Cosgrove: It definitely wasn't.

Jason Vance: There's an LED lightbulb and that's your light source?

Myles Cosgrove: Yes.

Amanda Seelye: When you were here before you moved up, could you see any light from the patio or the...

Myles Cosgrove: No, there was absolutely no light. Peeking your head in the window is ridiculously dangerous. And normally you wouldn't put yourself in that position. When you're knocking and announcing for that long, and if you're fairly confident that nobody's in there then you might peak into this room. I would say that I definitely got closer than I should have to look into these windows or these doors to see if I could see anything. And I saw darkness, there's absolutely no ambient light of any kind in this apartment. Nothing. It is completely dark. Aside from my light source at least.

Jason Vance: So to kind of go back to the door, you know, we've already talked the duration of time that you guys knocked on the door, and now it's pretty clear that you

identified yourself as police and also identified your legal authority, your search warrant.

Myles Cosgrove: Correct.

Jason Vance: So at some point Detective Hankison has verbal contact with the second floor resident. Do you remember anything about that detail-wise?

Myles Cosgrove: I just know that he – again I’m still kind of far away. I know Hankison is saying he used the words, “Sir, go back in your apartment,” and they are both very loud. The resident and Hankison are loud. I hate to say it but the guy had an attitude towards us. “Leave her alone, leave that girl alone,” or something. That’s not a quote but that’s partial of what I’m hearing over Hankison shouting, us talking, and my distance.

Jason Vance: Okay.

Myles Cosgrove: So they’re having this loud talking back and forth that goes on for a good while. I don’t know if he actually went back inside before we did our thing, but this went on for a while to where it just felt like we were out there forever. We were just out there for a long time.

Jason Vance: So, the decision’s made eventually that you guys are going to make forced entry?

Myles Cosgrove: Correct.

Jason Vance: Which you had already briefed on and you were told you had legal authority to do that. You had the warrant with you, right?

Myles Cosgrove: Yes, correct.

Jason Vance: So, you talked about Nobles hitting the door and again remember we talked about the left and right-hand side the door. Nobles is on the right-hand side of the door. He’s utilizing the ram to breach the door. At some point the door is breached.

Myles Cosgrove: Yes.

Jason Vance: If you can in detail go back and kind of run us through that. The best you can. I’m not expecting it to perfect. Just whatever you...

Myles Cosgrove: So again, I’m standing in this what I’ll call a T-intersection right here where the building and the sidewalk split together. My ultimate job is to stay outside and watch this door even when these folks go in that’s my job. And again, I see Nobles from this distance that he does not have a cover person on the right side of the door. I’m not exactly sure where everybody else is. I assume they’re on the left side of this door. I see Nobles does not have cover because he has a heavy tool in his hands and cannot protect or defend himself or the other folks that are with us. The door is hit once, and I see the door bow. And that was probably when I realized that it is now my job because watching this door can’t be left alone for a second because Nobles is in need of a cover person. And I’m

always trying to find a job to do while doing these things and that was the most important job that I saw that needed taken care of was to be Nobles' cover person. So, Nobles hits the door again as I am fast walking to Nobles. So now I am fast walking towards the right side of the door. And I pretty much can only see Nobles and a sliver of the door that is hanging and Nobles moving his body. Nobles hits the door a third time. The door is hit probably a fourth time. The door opens on the third or fourth hit, and at that time I am a half-step or step behind Nobles. More or less the spot that person should've been in the first place. So, the door's open, Nobles has to obviously get out of the way and we call cover 1 and cover 2. So, I'm the cover 2 person. And as I mentioned what we called first light; first light is whoever can see into a room first.

Jason Vance: I'm going to have to stop you there. I want you to explain that. If you're looking at that door, the hinge is going to be on the left-hand side and the door would open from right to left. Would that be correct?

Myles Cosgrove: The hinges are on the right side here.

Jason Vance: Are you sure?

Myles Cosgrove: That's the side of the door Nobles was standing on so you would normally hit this side...

Jason Vance: Would you hit on the hinge or would you hit on the actual knob?

Myles Cosgrove: We would hit it around the knob.

Jason Vance: Right. So, what I mean by hinge I mean what...

Myles Cosgrove: Oh, yes.

Jason Vance: ... the door pivots off of. That's what I thought you meant.

Myles Cosgrove: Yes.

Myles Cosgrove: The pivot is on the left off the door where most of the folks stacked up.

Jason Vance: Right.

Myles Cosgrove: That is probably where I would have stepped too.

Jason Vance: Right. So, the door opens from right to left.

Myles Cosgrove: Yes.

Jason Vance: Which as you said, and is very correct, that the person on the left-hand side would have first light. That means you have the most tactical position for entry.

Myles Cosgrove: Yes.

- Jason Vance: And your job is to fill in to cover 2, which would be the second person's.
- Myles Cosgrove: Yes. And to communicate with the cover 1 person if I see something that he doesn't see. But due to the door and my body position happened to kind of hurry up there.
- Jason Vance: So, at that point, Sergeant Mattingly who is cover 1 or vice-versa or something.
- Myles Cosgrove: Right.
- Jason Vance: He begins to clear and then make entry into the apartment. What I meant by clear was clear the spaces because it's kind of like a battle of tactics.
- Myles Cosgrove: Yes, so somebody, Jon Mattingly, enters the apartment. And again, due to my spacing and my kind of out of positioning that I was in, I - no that's not right. I think I'm answering your questions. So, the first person goes in and I immediately go in after this first - I don't want to say go in. I position my body to go in after this first person.
- Jason Vance: So, at that point when Mattingly begins to make entry, you know, there's relatively immediately a threat?
- Myles Cosgrove: Correct. Yes.
- Jason Vance: So, kind of go through how you determined the threat. As far as was it Mattingly's responses? His actions? Whatever?
- Myles Cosgrove: So, as I'm at the threshold of this doorway, I see these vivid lights, which I know are not natural, not normal, and shouldn't be happening. And I know that those are gunshots. You know? Those are firearms being fired. And then within the same one second there is a person, Jon, at my feet. That - I mean, it was quicker than I'm talking. That's how quickly it happened.
- Jason Vance: So, at that point, Jon's shot. Jon has sustained a gunshot wound and he has fallen. Is he sitting on his butt or - you may not know at this point the answer to some of these questions?
- Myles Cosgrove: All I know that Jon is sideways, kind of if that helps you. He's sideways and I feel that I am standing on part of him. His ankle, or his hip, or his calf, or I feel like I'm standing on something.
- Jason Vance: You're making contact with his body in some way.
- Myles Cosgrove: Yes. And about the time that I stop feeling this contact is about the time that I stopped firing. I mean that happens in like two seconds.
- Jason Vance: So, I know you know that's the way these things occur. So, Jon goes to make entry into the apartment. There's a threat. He perceives it. He's shot. He fires. And is it - again I can't answer for you. I want you to tell me. Do perceive it in

the same - I mean not the same in all respects, but it's a very short period of time. And you guys are firing at the same time or is it...

Myles Cosgrove: I don't know. I just see this flash—this bit of a flash—and this distorted, shadowy figure. And I thought this would come back to me but - and that's all I see is this distorted, shadowy figure, and these flashings, obviously a gun being fired.

Jason Vance: But you knew that Jon had been shot. You knew that Jon had...

Myles Cosgrove: Yes, I knew that clearly Jon had been shot.

Jason Vance: Okay.

Amanda Seelye: So the figure you were saying, is it in the apartment?

Myles Cosgrove: The figure is in the apartment in front of me. Nah. I'm not - I'm still not at the threshold of the door so he probably would be in front of me. But then again, it's not...

Jason Vance: You know you've got 15 years on as law enforcement. You know in your experience in law enforcement, what's one of the first things that you lose under a stressful situation? Fine motor skills would you say?

Myles Cosgrove: I have experienced it a few times but not to this severity. This loss of hearing, this muteness was debilitating. It was disturbing. It wasn't real. And then this shadowy figure is shrinking, if that makes sense. It doesn't make sense to me but the world is becoming really vividly black and white.

Amanda Seelye: You mean like tunnel vision? Does that...

Myles Cosgrove: Tunnel vision, that would be a good word. Having this tunnel vision.

Amanda Seelye: So, your view's become smaller.

Myles Cosgrove: Yes, my view's becoming like a periscope or binoculars.

Jason Vance: Believe it or not, but it's common. It really is. I know it's disturbing, kind of when you're coming back and thinking about it, but it is common.

Myles Cosgrove: And the fine motor skills you talked about; I did not have any hand sensation in my hands. I mean, we've all fired weapons here; you know that they have a distinct feel to it. And I did not have any pain sensation or any recollection that I'm firing a gun. If you told me I didn't fire a gun I'd believe it. But due to the fact those flashes were happening, that is why I believe that there was gunfire.

Jason Vance: So, at some point, Mattingly's discharged his weapon, you've discharged your weapon. You don't think Mattingly's still in a position to be - and you yourself, you-

{Crosstalk}

Myles Cosgrove: I am in the doorway. Jon is more or less – Jon is in the doorway. He may not be standing under the doorway, but he is in the doorway. We are within a - we are in the most vulnerable position we can be in because in this doorway exposed to whatever is happening everywhere. We have stopped all of the people behind us, the other policemen, from coming in because we have now constricted this doorway because we are standing there. So, the only places for me and Jon to go is either go forward, which makes no sense at all, or to go backwards. I'll take go backwards over a person that is obviously underneath you is not a something I would want to do.

Jason Vance: So, to kind of go back through, and, if you don't remember, just say you don't recall because I'm trying to correct some other stuff. So, you know, at that point you're still on what would be considered a fatal fall?

Myles Cosgrove: Yes.

Jason Vance: Mattingly is down, he's trying to get out of the way. You're not even sure you can even back up because you're worried you may trip over him, I don't know. But at some point, all of you all are out of that location. Let's go back through it if you can, if you can't its fine, and kind of go through it, and what you remember if you remember details of how you were evacuated out of that little breezeway and got to the point of on the left.

Myles Cosgrove: Okay. I'm very positive that I looked at Jon. When I felt that he was not there, so I feel this void, this emptiness like there's nobody there. And I turn, and I see that Jon is kind of scooped a little further behind me. Now he may have been a scooch of inches. And that's when I had an unconscious decision to move because Jon was obviously in the right direction to go in. I really can't explain on that because it happened so quickly, but I sensed that it was time to go. And so, I don't really remember doing much in the vestibule area there. I don't remember touching Jon until we kind of got to this area in here and that briefly because we couldn't all squeeze through there. I know when I got - you know when I'm still in the vestibule there, there's still flashing happening, but my vision is expanding. I think I may have got the tunnel vision. My vision is coming back to me, like I'm seeing colors.

Jason Vance: What do you see?

Myles Cosgrove: I'm seeing what I'm supposed to be seeing. I'm seeing the stairwell, seeing the concrete, I'm seeing Jon shuffle and push himself and people grabbing him. I see Mike Campbell on his ass. I don't know if that makes sense, but Mike Campbell was on the ground, maybe. And then this is still kind of as I'm in this thought space here. I still have that muted noise. I don't hear anything. I would say about the time when I got out of the covered space is when I started coming back into it. I'm sure there's a scientific word for it but I don't know what it's called.

Jason Vance: And at that point, you know, once you evacuate yourself and, you know, the rest of the team out to the parking lot, you know, only then like provide a tourniquet

and first aids, like that. Your primary position was the cover position for the officers that were providing backup? Like that?

Myles Cosgrove: I would say so. There were people you got in front of Jon and people were working on Jon, so my job would be to make sure that there is no more danger from this building.

Jason Vance: And the positioning was not secured because you all were immediately outside the windows and...

Myles Cosgrove: There's more or less area here. And that's why I said we need to move again. We were still in a precarious spot but at least we had distance and two cars between us and the windows.

Jason Vance: From the time—again you don't have to answer this—from the time that you start to move from the breezeway or the opening, do you hear shots, or you don't hear shots?

Myles Cosgrove: I don't hear any gunfire at all ever. I don't hear. I hear nothing until, you know, I'm in this area is when I started hearing people. I don't hear gun firing anymore. The white flashes I'm still seeing which doesn't make sense because I'm not firing. But I still see white flashes as I'm - it doesn't really show - because I'm kind of at the...

Jason Vance: The opening.

Myles Cosgrove: ... the opening of this apartment building here.

Amanda Seelye: Do you recall where any of the light flashes they were coming from?

Myles Cosgrove: Not at that time, no. It was just - it's like my brain is kind of like over the limit if that makes sense. And it was kind of coming back into focus, kind of a fuzz that goes away. I know they weren't coming from us like from in the parking lot if that makes sense.

Jason Vance: To your knowledge was the scene altered in any way? Did you guys have to (inaudible) you guys manipulate anything that you would consider evidence.

Myles Cosgrove: No. I never went back.

Jason Vance: Even the exterior. Like we would consider the whole thing.

Myles Cosgrove: No. Something might have gotten kicked around obviously but nothing was disturbed or thrown away that I know of.

Jason Vance: And as you stated you stay on scene until SWAT secured the location?

Myles Cosgrove: Yes, and that was probably until Steve showed up. Perhaps 15 minutes or 20 minutes maybe or so. Or longer? I'm don't disagree with the evidence stuff.

Page 42

- Amanda Seelye: Are there any questions we have not asked you or any information that you have that may be beneficial to this case?
- Myles Cosgrove: I don't think so, no.
- Amanda Seelye: Is there anything you want to say for the record before we end? Is everything told to the truth to the best of your knowledge?
- Myles Cosgrove: Yes ma'am. It is.
- Steve Schwartz: I understand the rational. That seems taken care of. But just to make sure everyone is clear. At the time you were in that doorway with Mattingly, did you have any question in your mind of your response (sounds like: for Mattingly @2:07:51).
- Myles Cosgrove: Absolutely not. I knew for a fact that we were in danger of being killed or seriously injured.
- Steve Schwartz: That's all the questions I have.
- Amanda Seelye: The time is 1500 hours.
- Jeff Ogg: Any questions? Yes?
- Female 1: Where the guy says it's a *soft target*, what does that mean?
- Jeff Ogg: A soft target?
- Female 1: Yeah.
- Jeff Ogg: I think that's what they used is if they didn't believe there was a danger there.
- Female 1: Could you say that again?
- Jeff Ogg: I believe in their terminology what they're referring to the soft target, and they didn't anticipate any issues or any danger against that target. Yes ma'am?
- Female 2: Do you know the actual lineup at the door? Because there is...
- Jeff Ogg: That is something you'll have to listen to and because in all the interviews everyone can agree on who was there, but as far as what specifically all of them say, they really can't say specifically where everybody else was at.
- Female 2: (Sounds like: The host said something about was there anybody behind James, between Mattingly and James. @2:09:10) And then was there a third person in there or not?
- Jeff Ogg: Well, you'll hear more interviews, which you'll hear Lieutenant Hoover's, my favorite. You'll notice this in Detective Cosgrove's statement. There're some

different variations between where he was - says he was and Sergeant Mattingly's account.

Female 2: Okay.

Jeff Ogg: Lieutenant Hoover, you will hear from him again later. But he was part of that team that was executing the search warrant. Yes sir?

Male: I heard a police officer (inaudible) Lieutenant Mattingly. And then he was (inaudible)?

Jeff Ogg: Well, I think if you listen to - if you first listen to what he said, he was going to name specifically if he can remember someone being there. Later on he figures it's Sergeant Mattingly. Then he remembers at some point instead that somehow. (Sounds like: Later on, it was too late. @2:10:26) So his account was somewhat...

Male: Okay. That's what I meant to say. You know what it sounds like? It sounds like he's confirming with the other officer on the inside of the door means that threshold.

Jeff Ogg: Well I said I can't speak for specifics. But as far as where he is, he's probably in his vehicle right here. We probably got a quick estimate.

Male: My next question, can you talk specifically about what (sounds like: his accuracy is @2:10:58)?

Jeff Ogg: I'm not sure on that. When I was (inaudible).

Male: Is it normal for an officer to run out and...

Jeff Ogg: You know, that's something as officers, detectives, you hardly know. I'm not a judge but you hear reports from states - people, not just officers, but people involved in a stressful situation losing fine motor skills. I think somebody referred to (sounds like: Mattingly @2:11:31). I'm not saying that's why he was experiencing it but (sounds like: for some reason, that's what I know @2:11:35). I'm just assuming people in car accidents that's about...

Male: Okay, one other question. What do police officers say (inaudible)?

Jeff Ogg: Well, that's kind of a seasonal thing but (inaudible).

Male: That's not (Inaudible).

{Crosstalk}

Barbara Whaley: Please stop the record now at 03:27.