



**Grand Jury Transcript
September 22, 2020
Recording #5¹**

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”).



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Woman 1: Okay. We're back on record on September 22 and it's 4:09 PM. And we have witness Detective Herman Hall. Go ahead and swear him in.

Man 1: You do solemnly swear from the testimony you're about to give is the truth, the whole truth and nothing but the truth so help me God.

Detective Hall: Yes sir.

Woman 1: And would you state your name please.

Detective Hall: Herman Hall.

Woman 1: And where are you employed?

Detective Hall: I am employed with the office of the Attorney General part of criminal investigations as a detective.

Woman 1: And how long have you been in that position?

Detective Hall: I started with the Attorney General's office in January 2011. Medicaid for about two years and then switched over to the department of criminal investigations about July 2013.

Woman 1: Prior to that, where did you work?

Detective Hall: I worked for the Kentucky State Police.

Woman 1: And, go ahead.

Detective Hall: I started my career with Kentucky State Police January 12th, 1986. I tenured with the State Police including six years I worked the road as a trooper. I switched over to street level narcotics and worked street level narcotics for about 18 months. After coming off of street level narcotics I was put into general investigations and I got promoted in 2000 and I retired as the administrative Sergeant at the Elizabethtown Post. I was the first of 2000 tenure.

Woman 1: And, you worked at some other state police posts besides Elizabethtown?

Detective Hall: Yes Ma'am.

Woman 1: Where else did you work?

Detective Hall: I worked the hazard post. I tried to get a t-shirt from every post before I retired. So, I worked the hazard post for a year and then I worked Madisonville for 13 years. I worked Bowling Green for about 5 years and then went to records for a

short period and finished my career at the Elizabethtown post as the Administrative Sergeant.

Woman 1: Thank You. Now did you become involved in the Attorney General's investigation of this case? The shooting death of Breonna Taylor?

Detective Hall: Yes Ma'am.

Woman 1: When did you become involved?

Detective Hall: June the 10th of this year.

Woman 1: And as part of the investigation—your investigation—did you conduct interviews with some of the neighbors there on Springfield Drive?

Detective Hall: Yes Ma'am

Woman 1: And do you know approximately how many neighbors you interviewed?

Detective Hall: Oh gosh, no. I don't have an exact number but it had to be 15.

Woman 1: Could it have been even more like 20 or 30...

Detective Hall: It could have been. It could have been like 15-20. I'm just trying to give a very conservative number.

Woman 1: ...Mm-hmm (affirmative)

Detective Hall: I know I was – I visited that neighborhood probably eight to 10 times and there was a lot of doors that we knocked on where people were not home or they just refused to talk with us.

Woman 1: In particular, did you interview the residents of the occupants, well the people who live {Beep}?

Detective Hall: Yes Ma'am.

Woman 1: And who were those - were they?

Detective Hall: That was Chelsea Napper and her boyfriend Cody Etherton.

Woman 1: And where did you interview them?

Detective Hall: They were interviewed at {Beep} the law office of the Brandon Lawrence. He was in the attorney's office.

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Woman 1: And where the interviews of Chelsea Napper and Cody Etherton conducted separately?

Detective Hall: Yes ma'am they were.

Woman 1: Okay. Let's begin with the interview of Chelsea Napper.

Detective Hall: Okay.

Woman 1: And. Now this interview was not recorded, was it?

Detective Hall: That's correct. It was not recorded.

Woman 1: So, you have made a summary of what Miss Napper said?

Detective Hall: Yes Ma'am.

Woman 1: Would you go ahead and tell us what that summary of her statement is.

Detective Hall: Sure. The interview was conducted on June the 26th at 1525 hours this year. And it was conducted in the presence of her attorney. In June of 2020, Chelsea Napper lived in that apartment with her boyfriend Cody Etherton, her five-year-old son {Beep} and then their infant child that was born June of 2020. In March of 2020, the infant child was not born. Chelsea was pregnant at the time. Napper and Etherton dated for about five years as they moved into the apartment in March 2019 and she is the only name on the lease. Napper didn't know Breonna Taylor very well but did see her in the common area once in a while. They did hang out together and Napper believed Taylor worked third shift. Napper did see Breonna Taylor's sister often but didn't know much about her or speak with her very often. On March the 12th of 2020, about 10 pm to 11 pm, Cody and she went to bed in their bedroom as {Beep} was sleeping in the other bedroom.

Woman 1: Excuse me. If you want to point to these locations as you are describing that.

{Background noise}

{laughter}

Detective Hall: They sleep in the Master bedroom and {Beep} sleeps in this first bedroom closer to the living area. So, they went to bed between 10 and 11 pm on March the 12th. Napper is a heavy sleeper and doesn't hear a lot after falling asleep. And Cody is a light sleeper and easier to wake. They don't sleep with any background noise or with the TV playing at nighttime. So there's no type of noise as a distraction. Some time after midnight on March the 13th, all of a sudden there were loud noises coming from their front door, which sounded like the door ram or gun shots but she wasn't sure because she was startled from being awoken and the noise happened all at once. Cody and she jumped from

the bed and it was like Fort Knox. After thinking about it, she said that the noises that awakened them must have been a door ram because Cody was at the end of the hallway where the gunshots started and if you want me to point that out.

Woman 1: Yep.

Detective Hall: She's in the (inaudible) neighborhood here. It was so fast and really loud for a couple minutes that she recalled hearing gunshots but couldn't tell how many shots. It was like a huge explosion. She couldn't recall hearing any voices before the loud noises started. She was standing in the hallway near the back bedroom door, which would be the master bedroom door here. She retrieved her phone and called her grandmother Carolyn Richards at 12:42 am. Napper thought she would need - the reason she called her grandmother was she thought she would need someone to get {Beep}. She disconnected from the call and then called 911 reporting the incident. Napper mostly stayed in the back hallway because she was scared and she froze. She was on the phone and she checked on {Beep} in the other bedroom which is closer to the front door. She believes Cody opened the front door first and she heard the police saying "Get the fuck back inside, shut the door" but he can tell you more about. The sliding back door glass was broken. The police thought their apartment was the same as the apartment next door, Taylor's apartment. Cody was wearing a red pair of basketball shorts and the police from the back of the apartment was addressing him as red basketball shorts. The police had their guns drawn and were using flashlights as well K-9. The police was ordering Cody to come outside from the back and Cody said to her "Call the police and tell them they have the wrong apartment because he did not want to be shot". She didn't look out the back door but was remembering seeing flashlights. After things calmed she did peek out the front door peep hole occasionally. She did hear what she thought was a crying kid before discovering it was Kenneth Walker. She could hear him crying and repeatedly saying "Help Bre. Oh my God, No." Walker was in the Taylor apartment. She did not hear any other voices, only Walker crying. At the time they didn't know it was the police doing the shooting. Cody was looking through the front door peep hole when Walker was walking backwards towards the police and there was blood in the walkway and on Cody's truck. An Asian SWAT cop came to their apartment and asked permission to take pictures of the bullet holes and damage inside their apartment. Cody and she said yes, signing a consent giving the police permission to take the pictures. She asked the cop what was going on? Where did the bullets come from? But they couldn't tell her anything. The incident went on all night so Cody and she stayed awake. She believes there was a bright light on the outside of the apartment complex. She couldn't recall Breonna receiving a lot of packages before the March 13th incident. Taylor was getting some packages from Amazon and united parcel service after her death and Elaine in apartment {Beep} would get the packages. She again stated she didn't know if it was loud bangs or gunshots that awakened her. She acknowledged that people would shoot guns in the parking lot often.

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Woman 1: Okay.

Detective Hall: You've got a question.

Woman 1: Question.

Woman 2: Did you say she could or she did or didn't know that she got packages before March 12th?

Detective Hall: She didn't know. She couldn't recall Breonna receiving a lot of packages before March 13th.

Woman 1: Anything else? Okay, now on that same day you interviewed Cody Etherton.

Detective Hall: Yes ma'am. That was also done in the presence of the Attorney Brandon Lawrence. And that interview was conducted at 1608 hours.

Woman 1: So, what did Cody tell you about that night?

Detective Hall: He confirmed that he lived at {Beep} with his girlfriend Chelsea Napper and their five-year-old son {Beep} and their infant baby born in June 2020. They resided at the apartment for about a year. On March the 12th of 2020, Chelsea and he went to sleep in the back bedroom. About midnight he was awakened by loud noises at the front door. It sounded as if someone was trying to kick in their front door. Chelsea and he jumped from the bed and he said "What the fuck was that?" Etherton started walking fast towards the end of the hallway. He couldn't remember if Chelsea followed him or stayed at the end of the bed. He was at the end of the hallway, entered the living room but couldn't remember if that's the last time he heard the last boom or not. He believes he heard one, two or three shots. He recalled seeing drywall dust coming the wall and knew it was bullets. And these walls he's referencing is this dining room wall which separates that dining area and Taylor's dining area.

Woman 1: And where was Cody?

Detective Hall: I'm sorry?

Woman 1: Where would have Cody been when he say the drywall dust?

Detective Hall: He recalls coming down this hallway and the drywall dust coming from this wall and he recalled one, two or three shots. At one point he said, he must have lost his hearing because he can't recall how many shots were fired.

Woman 1: Okay. Then what did he do then?

Detective Hall: Once he saw the drywall dust coming from the wall, he knew it was bullets. He dropped down to the ground and kind of crawled back into the hallway and went back into the bedroom and telling Chelsea to get on the ground. It was

loud initially and at first he thought it was someone kicking the front door in but when he got to the end of the hallway and recall seeing the drywall dust but couldn't remember the number of gun shots or hearing the gunshots. He identified the gunshots by seeing the drywall dust. There was a short pause and he couldn't remember if he was hearing gunshots at that point. He waited for a second and everything got real silent and then he heard "LAPD get on the ground" and it got really quiet for a minute. He got curious and was wandering what was going on. He thought people was partying and they got into a fight. So, he opened the front door. He saw Breonna Taylor's front door busted opened so he looked into her apartment but it was dark and he couldn't see anything. He walked past the stairwell and saw the police officers and one officer saw him. The officers were yelling at Etherton to get back into his apartment. He did hear Walker from inside Taylor's apartment saying "Baby breathe, baby breathe." He went back inside the apartment, closing the front door and was walking into the living room when he could hear the glass patio door was shattered by falling broken glass.

Woman 1: So would you point out that?

Detective Hall: So, this back balcony, this door here. Glass was falling from it because bullets had went through that door. He walked to the patio door and pulled the door blinds back and he believed Chelsea was approaching him from the rear but had not made it the living room. He looked through the pull blinds and could see police officers lined up outside.

Woman 1: So where would have been the police officers he saw had been?

Detective Hall: They were in the yard area in this neighborhood. There's another - of course, this is a connective - connected wall through here. It's another apartment building that connects. So, he would see them over his yard area.

Woman 1: Through the patio door?

Detective Hall: Yes ma'am.

Woman 1: That was shattered?

Detective Hall: Yes ma'am. He pulled the blinds back—the vertical blinds—and he could see the flashlights and the police officers through that.

Woman 1: Okay. Go ahead.

Detective Hall: The police kept saying put your hands up and wanted him to place his hands through the broken glass door. He refused to comply with placing his hands out of the door and went to the hallway telling Chelsea to call the police and tell them that they were not the same apartment. Let me repeat that. Telling Chelsea to call the police and tell them they were not the same apartment. He could hear the police radio saying white male with red shorts. So Etherton was

telling Chelsea to call the police and tell them they had the wrong apartment. Etherton did return to the front door and was watching through the door peep hole as the police arrested Walker. There was a light in the apartment corridor of the breezeway separating the apartments and so he was able to see that. He estimated about five minutes between the shooting and the time the police took Walker from the apartment. Etherton was watching Walker walk backwards towards the officers and could see Walker get on his knees at the front of the pick-up truck. About 45 minutes to an hour passed before a cop of foreign descent came to their apartment. He stated that unfortunately, sometimes these things happen. They gave police permission to photograph the damage to their apartment. When it happened, Etherton went into survival mode and his adrenaline was pumping, he was thinking there were people outside fighting and they were trying to kick his front door in. He could not hear any voices or noises before being awakened by the loud noises that sounded like the door was being kicked in. He knows for a fact he did not hear anyone say local metro police department or anything prior to being awakened. He would have felt safer if he would have heard local metro police department announced because he was thinking that he was getting robbed. After seeing the drywall dust is when Etherton got down and went back into the bedroom and told Chelsea to get down on the ground. There was probably a 15-20 second pause then he heard local metro police department saying “get down on the ground”. There was maybe a five-minute gap between the shooting and the local metro police department ordering Walker out of the apartment. Etherton really didn’t know Breonna Taylor and Walker before the March 13th, 2020 incident. He did see Breonna’s sister and her child almost daily come in and out of the Taylor apartment.

- Woman 1: Okay. Questions about the Cody Etherton interview?
- Man 1: After the _(inaudible) did he felt like the noise, he thought it was someone trying to break in his room?
- Detective Hall: Yes Sir.
- Man 2: Does he state when he (inaudible) and at one point he says—because he said he didn’t hear them announce the LAPD—was this, he says this is before he heard all the (inaudible) right?
- Detective Hall: Yes Sir.
- Man 3: So, what woke him up was the huge - when they were trying to breach the door?
- Detective Hall: The noise, I would assume.
- Man 3: Assume.

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Detective Hall: That would be an assumption on my part.

Woman 1: Any other questions? Okay. Did you also conduct an interview with Elaine Williams?

Detective Hall: Yes ma'am.

Woman 1: And when does she live?

Detective Hall: She lives in {Beep}.

Woman 1: So, where would that be on our photo up there?

Detective Hall: This is Breonna Taylor's door. This is Napper/Etherton's door and this is Elaine's door – Elaine Williams's door.

Woman 1: Apartment {Beep}?

Detective Hall: Yes ma'am.

Woman 1: Okay. When did you interview Elaine Williams?

Detective Hall: July the 2nd of 2020 at 1407 hours.

Woman 1: And what did she advise?

Detective Hall: It was a recorded interview. She has resided at the resident about 14 months and lives alone. On March the 12th of 2020, she was lying on her bed watching TV with the volume on medium. She usually sleeps with the TV on. She dozed off to sleep and was awakened by banging at her front door. It's hard to hear any noises from the back of her apartment where her bedroom was located. Her granddaughter lives in the next apartment building to Taylor's apartment and she thought was the banging was the granddaughter's mother dropping her off the next morning. She had her time orientation a little off. She thought she had overslept, and it was morning. William's babysits the granddaughter and will put her on the school bus in the mornings. She immediately got out of bed and went to the front door expecting her granddaughter to be there. She cracked the door open enough for the granddaughter to step in, but she didn't step in. At that point, she fully opened the door. It was dark and she could smell gunpowder and what she described as gun pellets meeting gun casings and thoughts what the hell is going on. She did hear them say "Officer down, Officer down". She did not see anyone in the apartment entry corridor but could smell gunpowder. She ran back into her bedroom, picking up her phone and the time was 12:45. She called her son, Elijah Williams, when her granddaughters' mother, Breonna Lowe, called her. She put Elijah on hold and answered Lowe's call. Lowe asked "Are you okay? What's going on?" Now

Mrs. Lowe lives in the apartment behind Breonna Taylor's apartment in that apartment building.

Woman 1: Okay.

Detective Hall: Lowe responds, "There are police out here and they are shooting." Williams thought that's what is going on and it was a shock. Lowe heard and knows more about the incident than Williams does. Elijah was telling Williams to go into the back master bedroom for safety because the bullets - master bathroom for safety because the bullets could come through the walls. She didn't take his advice until after the police came around the back of the apartment buildings. She did return to the front door and cracked it open. She saw Breonna Taylor's apartment door cracked open and could hear Kenneth Walker yelling and screaming for help. At that time, she didn't know a male was at the Taylor apartment and only knows two females to live in that apartment. And she didn't know they were sisters. She knew Breonna and her sister as casual neighbors. She only knows one male to live in any of the downstairs apartments and it was next door to her apartment in apartment 3, named Cody Etherton. She thought it was them but couldn't picture in her mind why their door was open and Breonna's door was open because of the screaming. Walker was yelling for help saying "Baby, breathe. Baby breathe. Baby-". Let me start that over. Walker was yelling for help saying "Baby breathe, Baby breathe, please breathe." She still was thinking a male was in Taylor's - she still wasn't thinking a male was in Taylor's apartment and only knew of the male next door. Her heart was racing because the lady next door was pregnant and a little boy lives in there also. Williams thought oh my gosh, something is wrong with her, she's pregnant. Williams never left her apartment and estimated hearing Walker scream for 15 minutes or more. She kept thinking the incident happened in apartment 3 instead of apartment 4 because no man lives in apartment 4. She did not know Kenneth Walker prior to the incident. She learned his name after the incident. She added the second time that she opened the door, she heard officers say "Reload, Reload. Let's do what we need to do." The other officers in the back were saying "Get down! Get down!" She stated the voices were coming from the left front of the apartment building in front of Breonna Taylor's apartment. She described in her back bedroom, when the front door closed, and could hear Walker scream with the front door closed and could hear Walker screaming for help. She did not return to the front door area and the last thing that she did hear was them saying "Put your hands up and back up. Back up." She still thought the incident happened next door and was concerned about the pregnant lady.

Woman 1: Okay. So, she was in her bed asleep?

Detective Hall: Yes ma'am.

Woman 1: And was woken up by banging by what she thought was her door?

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- Detective Hall: Yes ma'am. She thought she had overslept and it was time for her to get her granddaughter. She thought it was morning.
- Woman 1: When she went to the door, she did open the door?
- Detective Hall: Yes ma'am. She first cracked the door, opening enough for the granddaughter to slip in and the granddaughter didn't slip in. So, she fully opened the door and that's when she saw the bullet casings and could smell the gunpowder.
- Woman 1: And is that when she heard officer down?
- Detective Hall: I believe she heard the second time that she went to the door.
- Woman 1: Okay.
- Detective Hall: No, it was the first time. I'm reading in her statement. It was the first time that she heard "Officer down. Officer down." The second time was when she heard "Reload, Reload."
- Woman 1: Are there questions?
- Woman 2: Did you say that apartment 2 lady that you just talked about received some of Breonna Taylor's packages at her doorstep?
- Detective Hall: She did. She, after the March the 13th incident, she would get those packages and take them into her apartment and Breonna Taylor's mother or sister would pick them up.
- Woman 2: But she never had before that day? The packages are probably (inaudible).
- Detective Hall: I believe she said she got a couple before. Not - it wasn't - I think she said two, maybe two before this incident occurred and I did put that in her summary.
- Woman 1: So, another question?
- Women 3: Can you repeat what she says she said "Reload, Reload". What did she say after that?
- Detective Hall: Yes ma'am. The second time that she opened the door to her apartment, she heard "Reload, Reload. Let's do what we got to do". And she also heard "Get down. Get down". Officers in the back were screaming "Get down. Get down."
- Woman 1: So, she heard the same officers that Cody Etherton heard from the back of the apartment.
- Detective Hall: I would make that assumption.

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Woman 1: Does Williams also have a back patio like or yes?

Detective Hall: Yes ma'am, she does.

Woman 1: Like apartment three has? The same design.

Detective Hall: Yes ma'am. I believe if you flip that apartment, the Etherton and Napper apartment, a mirror image, that is going to be Elaine William's apartment.

Woman 1: Any other questions?

Man 1: Does she mention whether she heard "Get down. Get down." from the front or from the back?

Detective Hall: That would be from the front. All the noises and the voices she heard was from that front door position. And when she heard Mr. Walker, the front door was closed and she was in her back bedroom, that is still coming from the front door area - that corridor.

Women 2: She heard "Get down. Get down" from the front door or from the back door?

Detective Hall: She heard the "Get down. Get down" when she opened the door the second time.

Woman 1: I thought you had said she heard "Officer down."

Detective Hall: That was the first time.

Man 1: That was the first time.

Woman 1: First time, okay. All right. Any other [questions]? Yes ma'am?

Women 2: Sorry, did she specify whether she heard police announce themselves?

Detective Hall: She never...

Man 1: She never said. She said she was (inaudible).

Woman 1: Okay. Did you obtain an interview that had been conducted with the woman that lives in apartment {beep}.

Detective Hall: ...Yes ma'am.

Woman 1: And who is she?

Detective Hall: Christie Vale.

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Woman 1: Could you point out up here in photograph where apartment {beep} is?

Detective Hall: That door.

Woman 1: Okay.

Detective Hall: I'm sorry. {Beep}

Woman 1: Right.

Detective Hall: I can't count {Beep}

Woman 1: Is directly above the Cody Etherton and Chelsea Napper apartment?

Detective Hall: Yes ma'am it is.

Woman 1: Al Iright. Who conducted that interview with Christie Vale?

Detective Hall: It was an FBI task force officer and Special Agent with the FBI. Special Agent George and I believe TFO Hamilton.

Woman 1: And when was that interview conducted?

Detective Hall: 6/11/2020.

Woman 1: What did Christie Vale advise during her interview?

Detective Hall: They always lived in their apartment for approximately two years. She recalled the events of March the 13th of 2020 and said she was home sitting in her bedroom, checking her phone. When she heard what sounded like someone beating on her door. As she made her way from her bedroom to her front door, she realized it was gunshots she had heard. She believes it was non-stop and between 15-20 shots. She heard "Officer down" and "Reload". She also head a guy she later learned to be Kenneth downstairs, yelling for help. She tried to find a safe place and went back into her bedroom. Vale did not call 911 because cops were already at her building. Later that morning at approximately 1:30 am, an officer knocked on her door and whether she knew of gun shots coming into her apartment. She said she never found any bullet holes in her apartment. Vale stated she fell asleep approximately 5:30 am. Vale said she did not take any pictures or make any videos on the incident. She stated she did not know the occupants of 3003 Springfield Drive, Apartment 4. There's another paragraph if you want me to read it.

Woman 1: No.

Detective Hall: Thank you. I don't think it's applicable.

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Woman 1: No. So, she was awake at the time in her bedroom?

Detective Hall: Yes ma'am.

Woman 1: When she heard also as Elaine Williams someone thought someone was beating on her door?

Detective Hall: Yes ma'am.

Woman 1: And - but did she ever open her door? No?

Detective Hall: I believe she looked through the peep hole. My recollection of the recording.

Woman 1: And, she heard "Officer down" also and "Reload".

Detective Hall: Yes ma'am.

Woman 1: Any questions about this interview?

Man 1: Yes. When she was awake, she found (inaudible) knocked down. She never heard local police?

Detective Hall: No sir, she did not.

Woman 1: Okay. Did you obtain interviews that had been previously conducted by a couple of agencies of the man who lives in apartment {Beep}? In the {Beep} if you would refer up to the photograph. In this {Beep} section of that building.

Detective Hall: Yes ma'am.

Woman 1: And what is his name?

Detective Hall: Jack Shomer.

Woman 1: And what apartment is he?

Detective Hall: He is apartment {Beep}.

Woman 1: Could you point out on the apartment {Beep}?

Detective Hall: That's going to be this upstairs apartment. This location.

Woman 1: Okay. And so, Mr. Shomer was first - well, actually, I think he - who interviewed Mr. Shomer?

Detective Hall: Special Agent Russel and Fisher.

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Woman 1: And when...

Detective Hall: Both are agents.

Woman 1: ...FBI agents?

Detective Hall: Mm-hmm (affirmative).

Woman 1: And when did that happen?

Detective Hall: June the 12th, 2020.

Woman 1: What did Mr. Shomer advise the agents that he had seen and heard that night?

Detective Hall: He's lived in the apartment complex for nearly five years. He lived previously above where the incident occurred, three years ago. Shomer lives with his wife, Melissa Shomer, an 18-year-old daughter, Jackeline Shomer. On March 13th, 2020, Shomer was in his living room watching television with the sliding glass door open. It was quiet outside when Shomer heard three quick pops that were gunshots. Shomer got up from his couch and moved towards the sliding door. As he made his way to the sliding door there was a pause of a few seconds, followed by the sound of two more gunshots. When Shomer reached the sliding door, he moved the shades to see what was happening outside and saw a line of cars across the parking lot. The line of cars were parked such that the vehicles which were parked in the apartment parking spaces were blocked. After another brief pause, Shomer heard a third set of gunshots. Shomer described the third set of gunshots sounding like the O.K. Corral and like a fully automatic gun was being fired. When Shomer looked outside he saw people outside who were dressed in black and wearing vests. Shomer did not see anything on the attire on the people outside, identifying themselves as police officers. At that point Shomer did not know the people he saw outside were police officers. Shomer saw a man below his deck, which he now knew to be a police officer—herein and after referred to as officer one—who was shooting at a residence. Officer 1 shouted out commands to the SWAT team to bust down the gate. Shomer heard officer one say words to do the effect of "I don't care, break the f'ing gate down so you can get in. I want you in so the ambulance can get in." While officer 1 was shooting, he had a 9mm glock in one of his hands and was talking on the radio in the other. Doesn't have radio in this but who was talking on this radio with the other. Shomer looked out further in the parking lot and saw at least three men dressed the same way as officer number one. Shomer was asked to draw a sketch of the location of the apartment complex and the approximate locations of where the people he saw were located. Shomer designated on the sketch, the approximate location of the police officers by labeling their locations 1-4. Number one represented officer one's location and numbers 2-4 represented the location of the remaining officers. Shomer...

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Woman 1: Could we have the sketch up here, which would be exhibit 62? Can you point out where he - where is Mr. Shomer's deck there, where he is on his deck? As he drew that.

Detective Hall: ...I believe this is his deck.

Woman 1: Okay.

Detective Hall: And, there is the number one designating. (Inaudible) are the (inaudible).

Woman 1: The...

Detective Hall: And then we got two, three and four. And paying officer two, three and four.

Woman 1: ...I think officer one is down there by the deck.

Detective Hall: Oh, there we go I couldn't see that little.

Woman 1: Yes.

Detective Hall: I couldn't figure out what this was but I believe that is correct.

Woman 1: And then two, three and four cars are across.

Detective Hall: Those are officers.

Woman 1: Officers.

Detective Hall: Officer two, officer three and officer four.

Woman 1: Now, did he state that officer one was under his balcony?

Detective Hall: He did say that officer one was located below him.

Woman 1: And what did he say he saw officer one doing?

Detective Hall: He saw officer one shout out commands to the SWAT team to bust down the gate, he heard officer one say words to the effect of "I don't care break the f'ing gate down so you can get in. I want you in so the ambulance can get in." While officer one was shooting, he had a 9mm glock in one of his hands and was talking in the other. And he does say that the man is below his deck.

Woman 1: With the radio and the glock in one hand.

Detective Hall: Gun in one hand and from the recording, you might recall from that recording is he was talking on the radio with the others.

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Woman 3: (Inaudible) the sliding glass door was that he had gone out on to the deck and not still inside.

Detective Hall: That's what I remember. I can't remember him saying he was on the deck at that point.

Woman 3: (Inaudible).

Man 2: How does he know it was a Glock? (Inaudible).

Detective Hall: He referenced his military background and his familiarization with guns. He visits the range often and shoots different types of weapons and weapons and stuff. Want me to continue?

Woman 1: But he didn't...

Man 2: I got a question. So from his vantage point, he can look down at the officer between the cars and the patio door and that officer has (inaudible) or (inaudible)?

Detective Hall: That's his recollection.

Man 2: Okay.

Detective Hall: I can't.

Man 3: So the officer that is doing the talking on the radio is below his deck which is quite a ways from...

Detective Hall: According to his statement, the officer would be in this location somewhere.

Man 2: He's in (inaudible).

{Crosstalk}

Man 2: Officer was below his deck.

Man 3: Right. So, he's essentially like looking around the corner according to neighbors.

Woman 3: Or he can (inaudible).

Man 3: You're right.

Woman 3: He wasn't carrying like (inaudible).

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Woman 1: ...Did he have any statements? Did he have any statements about the officer one—number one—in regards to someone outside telling that person to raise their hands and turn around?

Detective Hall: No, it may be further in the interview. I'm not done.

Woman 1: Okay. Go ahead then.

Detective Hall: Continuing with the interview. Shomer saw officers 2-4 shoot at the direction of apartments (inaudible). Shomer realized at the time, he saw officer two and four, that the people he saw outside shooting were police officers. When they broke down the gate, Shomer went back to his couch and turned his television off to listen. Shomer heard officer one had someone outside and told the person to raise their hands and turn around. Shomer assumed the person was handcuffed and taken away. Shomer did not know the length of the time from between when he heard the rounds fired and when he heard the commands given by officer one to the person to put his hands up but estimate that no more than 10 or 20 minutes. Shomer did not record any of the incident. Shomer knew the man who lived behind where the shots were fired and had rounds go into his house. Shomer did not know this man's name and knew he would not speak of law enforcement. Shomer did not call 911. Shomer did not want to get involved. There was spectators outside and the police had called the apartment maintenance person to direct people to go back inside. The police told residents to go back inside but they did not listen. Shomer was not interviewed by police. Shomer was interviewed by someone who worked - well, should I?

Woman 1: Well, we will just focus on...

Detective Hall: I don't think that's applicable to this...

Woman 1: ...what he told the - what he told the agents

Detective Hall: ...Details of the incident.

Woman 1: Right. And what did he say about his wife and daughter?

Detective Hall: His wife and daughter was asleep when the incident began. Shomer's daughter or wife low crawled out their bedrooms and Shomer instructed them to get into the bathroom. Shomer's wife won't speak to law enforcement anyways. He goes on to give her phone number and did not recall his daughter's number. And he goes on to say officer one was right under Shomer's balcony between the sidewalk and a parked vehicle. Officer one stepped beside the parked car. Once the shooting was over and before police had the person out of the apartment, there was a vehicle with red and blue lights on. This vehicle did not show up until the firing had stopped. Shomer's first thought was someone wanted to shoot the apartment up. Shomer did not have any problems with his hearing - does not have any problems with his hearing or vision. Shomer wore glasses. Shomer was not wearing glasses at

the time but stated that this did not impact his ability to see. Shomer talked to his wife and daughter about what he observed. Shomer did not post anything online about what he observed. Shomer had an Instagram account and took a picture of the memorial, which he posted on Instagram. He just saw Breonna Taylor in passing. He didn't socialize with Taylor. Shomer never walked onto his balcony during the incident. Shomer could see officer one from the waist up. Officer 1 was on the sidewalk in front of a parked vehicle, when Shomer saw officer one.

Woman 1: Any other...

Detective Hall: Yes sir?

Man 2: Did I hear you say that he saw officer's two, three and four firing?

Detective Hall: Yes sir.

Man 2: And there across the parking lot from the apartment. Is that correct.

Detective Hall: His statement has got them - yes, sir - across the parking lot. His (inaudible) was here and Breonna Taylor's apartment would be somewhere in this neighborhood, her patio.

Man 3: What's this entrance?

Detective Hall: I'm sorry. I can't {Beep}.

Woman 1: ...So, the first thing he heard while he was watching television in the living room, was three quick pops that were gunshots?

Detective Hall: Yes ma'am.

Woman 1: And that's when he went up and went to the sliding door?

Detective Hall: Yes ma'am.

Woman 1: Okay. Any other? Okay. Moving on to the next neighbor, the gentleman who does not live there but at that time was at apartment {Beep}.

Detective Hall: Yes ma'am.

Woman 1: And who is that?

Detective Hall: Aaron Sarpay.

Man 2: Is this the guy that was walking around someone's car?

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Woman 2: Mm-hmm (affirmative)

Detective Hall: Yes sir.

Woman 1: He was interviewed several times so is that right?

Detective Hall: Yes ma'am he was.

Woman 1: And you interviewed him at one point.

Detective Hall: Yes ma'am I did.

Woman 1: But prior to your interview, he had been interviewed by who?

Detective Hall: Local metro police department, Sergeant Amanda Seely and the Sergeant Jason Vance.

Woman 1: So, okay. The first interview with Mr. Sarpay, what date was that?

Detective Hall: It was a phone interview that's conducted on March the 21st of 2020 at approximately 0056 hours.

Woman 1: Can you summarize that interview or that phone interview?

Detective Hall: Sure. The conversation was three minutes and one second went. Mr. Sarpay stated that he was about to leave and go home. He picks up his daughter from his brother and mother's residence after he gets off work. Mr. Sarpay stated he walked outside and he was told to go back inside. When he looked out of the window he could see a lot of police cars and saw them in uniform, so he knew it was police. Mr. Sarpay stated that no one identified themselves as police but he knew they were the police because of their uniforms. He stated he did not hear anyone knocking on the apartment door. Mr. Sarpay agreed to meet with us for a formal interview, and they did a second phone interview which was on Friday May the 15th at approximately 1400 hours, which would be 2 pm. Which lasted six minutes and 59 seconds. Mr. Sarpay arrived at the Saint Anthony Garden apartment complex on Friday, March the 13th, 2020, to pick up his daughter from his mother's apartment at {Beep}. Mr. Sarpay parked his white SUV in the driving lane of the parking lot behind cars parked in the parking spaces in front of {Beep}. Mr. Sarpay was walking out the door to leave and he noticed 4-5 gentlemen below the apartment stairs. The gentlemen ordered him to go back into his apartment. When he went back into his apartment, he heard gunshots, pop, pop, pop. He heard the officers knocking on the door and they were saying "This is the cops." Mr. Sarpay then heard a man saying "It was me. I didn't have anything to do with it." Mr. Sarpay stated he knew they were the police because they had bullet proof vests on and when he looked at the sliding glass doors, he saw the police cars in the parking lot with blue lights on. Now you got to realize Mr. Sarpay, there is kind of a communication barrier. It's

kind of hard to understand him because I don't know what nationality he is originally but he resides here now. And it's very hard to understand him.

Woman 1: Now, then you conducted an interview with Mr. Sarpay.

Detective Hall: Yes ma'am I did.

Woman 1: And, what did he advise you?

Detective Hall: That interviewed was conducted June the 26th...

Woman 1: I'm sorry.

Man 2: What date?

Woman 1: Yes, what date did you interview Mr. Sarpay?

Detective Hall: June the 26th of this year at 1059 hours.

Woman 1: Okay. And what did he tell you?

Detective Hall: He cares for his two-year-old daughter and uses the lady that lives above Breonna Taylor's apartment as a babysitter. The lady lives in the apartment with Stanley and his daughter. The lady has been babysitting his daughter for two years. He usually drops her off at 1:30 pm and arrives to get her about midnight. On March the 12th, 2020, 1:30 pm, he dropped her off as usual and went to work. A little after midnight March the 13th, 2020, he arrives at the apartment to get his daughter. He usually parks in the middle of the traveled section of the parking lot instead of using a parking space and would go up stairs to get her. He entered the apartment; Stanley was sleeping in his bedroom. Stanley's seven or eight-year-old daughter and the lady were in the living room. He couldn't recall the lady's name at the time of the interview. Sarpay was gathering his daughter's clothes and I believe he said bear, preparing to leave. It usual takes him about 15 minutes to get everything together and leave the apartment with his daughter. He did not see any cop cars or police before entering the apartment. As soon as he opened the door to leave, they started screaming "Go back, go back inside". He said, "what's going on I have to go." They said, "Go back inside." He had to go because his car—a white Toyota Sequoia" was in the middle of the street. They said "You can't leave right now. Shut the door and go back inside". The cop was telling him this and recognized him because he was in uniform and there was a squad car. He saw flashing lights and did not see any undercover cops. He did not hear any knocking but did hear gunshots. When he opened the door with his daughter, he saw four cops under the stairs against the wall by the lady's apartment door, meaning Breonna's door. They screamed at him to back inside, go back inside, the cops were in uniform. The armored police vehicle was in the parking lot and other cars were coming - other police cars were coming in the parking lot. Later was when he noticed the undercover vehicles

and they had his vehicle blocked in. He went back inside and looked through the sliding glass door and there were blue lights all over the place. He heard the rapid gunfire a few minutes before and then it was quiet. A lady cop came to the apartment he was in and told them to stay inside. There was a lady that got killed in there, meaning the downstairs apartment, what the lady cop was telling him. Sarpay thought a guy had been shot in the downstairs apartment. There was a blood trail by his car and the police used his car as a shield. The gunfire heard by him sounded like a machine gun and someone had went on a shooting spree. He could not get a number of shots fired. He found a shell casing, later in the day when he returned to get his vehicle. After the shooting stopped, he saw some undercover cops about 2 or 3 o'clock in the morning. He did not know Breonna Taylor and has never had a conversation with her or anyone that resided with her. About 6 o'clock in the morning, he took an Uber to go home, leaving his car in the parking lot. He returned about noon to get his car. He recovered the bullet casing from a hardscaped area, between the parking lot curbing and the sidewalk in front of Breonna Taylor's apartment. He described the casing like an m16 round. When he left at 0600, he noticed the sliding glass door of Breonna's apartment has been shot several times and saw the trail of blood. He did not have any knowledge of the origin of the blood. He described the police uniforms of the officers under the steps as wearing tactical style vests with the word police on the front. He again stated that he did not hear any knocking prior to opening the apartment door the first time. He did hear the words "police, police". The apartment door was closed when he heard them announcing "police, police". He denied arguing with the officers the first time he exited the apartment and saw the officers that told him to go back inside. Once they told him to go back inside, he immediately returned back inside the apartment. He estimated about five or 10 minutes after going back inside the apartment and then hearing the gunfire. Later on, he learned about a bullet coming from downstairs into Stanley's bedroom and Stanley was lucky because he was in the room.

- Woman 1: So, where - what did you say about the bullet coming through Stanley's room?
- Detective Hall: Yes ma'am. Apparently, one bullet came through into Stanley's bedroom. I believe that's David Stanley.
- Woman 1: Which is the son of his babysitter?
- Detective Hall: Yes ma'am.
- Woman 1: Stanley is. All right. Okay. So, he - that interview you did, then he did hear the po - he did hear announcing of police?
- Detective Hall: Yes ma'am.
- Woman 1: But no knocking?
- Detective Hall: Yes ma'am. He did not hear any knocking.

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Woman 1: And in the first two interviews - first interview he didn't hear any knocking and the second one he did hear knocking and announcing of police.

Detective Hall: Yes ma'am.

Woman 1: And as you noted there may be a language barrier.

Detective Hall: Yes ma'am. There is. There was a language barrier and I believe he got his sequence of events kind of mixed up a little bit, trying to describe the police uniforms. I believe what he was identifying as police uniforms were the tactical vests with police written on the tactical vest.

{Crosstalk}

Woman 1: Go ahead.

Man 2: Does he state - is he stating that he heard them say announce himself as policemen when he's next to them and he's telling them to go back in please? Or is he saying - as in - because I think it's not clear that - the only reason I want to hear his statement is to hear if they announced themselves at the knock. You know, as there going into the door. You see, that's not clear. And that's - do you think that's from the foreign - the language barrier? Or is this something you didn't ask a question?

Detective Hall: No, I asked him the question and he answer that he heard them announce "police, police" before opening the door to go outside.

Man 2: Okay.

Detective Hall: So, he heard it with closed doors between him and the outside. And this every single statement like, you know, you interviewed him three times tight?

Detective Hall: No, I didn't interview him three times.

Man 3: You heard an interview?

Detective Hall: I'm sorry?

Man 3: You said that there was a phone interview was first?

Detective Hall: Yes sir. There was two phone interviews conducted by Louisville metro police department, Sergeant...

Man 2: There was two of those?

Detective Hall: Yes.

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Man 2: And you only interviewed him once.

Detective Hall: Yes sir. I only interviewed him the one time.

Man 3: And both - every time he stated he heard them say police?

Detective Hall: Not every time. The first time there was no mention of police.

Man 3: Okay.

Woman 1: Any... Yes.

Man 2: The first time you did, you didn't hear anything about them identifying themselves as police. The second time he might have and when you interviewed him, he said he didn't hear anything but the knock.

Detective Hall: Yes sir.

Man 2: Okay.

Woman 1: Okay. I guess we are going to conclude. We are going to go off record now. We are going to conclude for the day.