

1 RECORDED TRANSCRIPT OF OFFICER [REDACTED]

2 INTERVIEW CONDUCTED BY CHIEF INVESTIGATOR ERIC EDWARDS

3 CASE NUMBER – 48-2013-UF-000014

4 EE – CHIEF INVESTIGATOR ERIC EDWARDS

5 [REDACTED] – OFFICER [REDACTED]

6 DB – MR. DAVID BIGNEY

7 [REDACTED] – MR. [REDACTED]

8
9 DB: Were you with the last one of these?

10 [REDACTED] Yeah.

11 DB: Ok. Just, I looked at you, I'm like eh...I didn't, I didn't pick up on that at first. I just
12 did now.

13 [REDACTED] Yeah. No yeah, that's what, they sent, me down.

14 EE: I turned that on a minute ago.

15 DB: And I just kind of....

16 EE: Just letting you...just letting you know.

17 DB: Alright.

18 EE: Sorry about that.

19 DB: That's alright.

20 EE: Today's date is August 29, 2013. It's approximately 10:40 am. We're at the
21 State Attorney's Office, on the first floor, in Orlando. Can you state your name
22 please for me, Sir?

23 DB: David Bigney.

24 EE: And your name, Sir?

25 [REDACTED]

1 EE: And your name, Sir?

2 [REDACTED]

3 EE: And my name is Eric Edwards. I'm the Chief of Investigations of the State
4 Attorney's Office and we are here for a witness interview regarding, um, State
5 Attorney case number 48-2013UF000014. Mr. [REDACTED] you were um, were
6 requested or asked to be here today and you're doing so voluntarily. Is that
7 correct?

8 [REDACTED] That's correct.

9 EE: And, it's in regard to an incident that occurred on um, can you state the date for
10 me?

11 [REDACTED] Ah, 5-21-22.

12 EE: And, raise your right hand for me please. Do you swear that the information that
13 you give today is gonna be freely given?

14 [REDACTED] Yes.

15 EE: And accurate and true?

16 [REDACTED] Yes.

17 EE: Alright. Um, I, prior to going on tape, I afforded you an opportunity to look at a
18 question sheet, or at least a preliminary question sheet with ah, um, with Dave,
19 um, did you have adequate time to look at that?

20 [REDACTED] Yes, I did.

21 EE: Did you have any concerns, other than the date that you brought to my attention,
22 that, that needed to be changed or significant events that need to be touched
23 upon that aren't addressed here?

24 [REDACTED] No.

25

1 **EE:** Ok, and as we go on, if something comes to mind, please let me know. Um, this
2 is in regarding to a deadly use of force, law enforcement use of force, that
3 occurred on that date, involving several individuals and according to the reports
4 that I reviewed, you were present for that or, at least on the outside of that
5 structure at the time that that occurred and the, the um, attempt today is to get
6 pertinent information or additional information regarding that incident. Is that,
7 you...your understanding?

8 **█** Yes, I was outside during that incident.

9 **EE:** Ok. The individual that's deceased is and correct me if I'm saying this
10 incorrectly....Ibragim Todashev?

11 **█** Ibragim Todashev.

12 **EE:** Ibragim Todashev. Ok, um, can you discuss with me your contacts with Mr.
13 Todashev prior to this date and I am fully aware that some of that you can't go
14 deeply into, um, but what I do need to do is establish the, ah, relationship or the
15 working relationship, if you will, that you had with that individual.

16 **█** Ok. Um, our first contact with ah, Mr. Todashev occurred on 4/21, which was a
17 Sunday, in the afternoon. Um, we were requested to ah, try to locate this
18 individual, ah in reference to a connection with one of the indivi...individuals
19 from the Boston bombing.

20 **EE:** Ok, and you were successful?

21 **█** Yes.

22 **EE:** Obviously, making contact?

23 **█** Yes, we were.

24 **EE:** Ok, and how many times did you have contact with Mr. Todashev before ah,
25 5/21?

1 [REDACTED] Zero. Oh, I'm sorry, before the incident?

2 EE: Before the date of the incident.

3 [REDACTED] Oh, I'm sorry. Um, it was um, three times total.

4 EE: Three times? Ok, and what was your um, ah, was it a successful, every, all three

5 times? Did you have a, develop a rapport with Mr. Todashev that was...

6 [REDACTED] Yes, we had...

7 EE: favorable or....

8 [REDACTED] Yes, yes we did. Um, we had two interviews, two somewhat lengthy interviews

9 and then we had one where we ah, gave him back some of his property that he

10 gave us to look at.

11 EE: And he was cooperative for each of those three or, was there any in...ever any

12 time where he asked not to have any additional contact with you?

13 [REDACTED] No, he was cooperative all three times.

14 EE: Ok. During the course of that investigation, for lack of a better term, of Mr.

15 Todashev that you were assigned, did you have an opportunity to become

16 familiar with Mr. Todashev's um, fighting ability?

17 [REDACTED] Yes.

18 EE: Do you have any first-hand knowledge of that skill set?

19 [REDACTED] Ah, we, we ah, we watched, um, some YouTube videos. He has YouTube

20 videos on, on-line in regards to a couple of his ah, MMA fights.

21 EE: When you say "we", who is "we"?

22 [REDACTED] Um, um, myself and ah, [REDACTED]. [REDACTED]. He was the ah,

23 FBI Agent who assisted in the two interviews, prior to the ah, 5/21 incident.

24 EE: How long have you been in Law Enforcement?

25 [REDACTED] Oh, [REDACTED] now, coming up on [REDACTED].

1 EE: And, extensive law enforcement training with defensive tactics?
2 [REDACTED]: Yes, [REDACTED] and all that good stuff.
3 EE: I'm sorry?
4 [REDACTED]: I was a [REDACTED] Officer also, so...
5 EE: Any outside training, um, do you go to a dojo or anything....
6 [REDACTED]: No.
7 EE: like that? Ok.
8 [REDACTED]: No, I do not.
9 EE: Just law enforcement defensive tactics?
10 [REDACTED]: Just law enfo...correct.
11 EE: Ah, when you viewed these MMA style videos that you refer to them as, what
12 was your perception of that, with that many years of law enforcement, of what
13 you were watching?
14 [REDACTED]: Ah, he was a trained fighter. He was, he was, he was pretty good at what he did.
15 EE: What stands out in your mind?
16 [REDACTED]: Just the sheer toughness of the individual.
17 EE: Of Mr. Todashev?
18 [REDACTED]: Yes.
19 EE: Ok. How many, ah, approximately how many videos do you think you watched?
20 [REDACTED]: I think I only watched two. I think it only has two on-line.
21 EE: Two. Ok. I would ask, I haven't been successful in locating those, but if you
22 were able to email me those links, possibly so I could view those myself, if in fact
23 they're available, I would appreciate that. Would you be willing to do that?
24 [REDACTED]: Ah, I can try to find them again. I didn't, I didn't locate them. Somebody else
25 located them for me.

1 EE: Ok. Now I, I noticed from some of the review that the first interview or formal
2 interview actually, um, occurred at [REDACTED] Headquarters.

3 [REDACTED]: Yes.

4 EE: Um, without getting into content, because um, it's been, my understanding is
5 some of this is still open, active and on-going, and, FBI cases.

6 [REDACTED]: Correct.

7 EE: Is that a fair...

8 [REDACTED]: That's a fair statement, yes.

9 EE: Ok. Um, without going too much into the particulars of that, um, that contact at
10 [REDACTED] Headquarters, was that a consensual contact?

11 [REDACTED]: Yes...

12 EE: That inter...

13 [REDACTED]: he, he agreed to come down and talk to us.

14 EE: Ok, but I noticed later in the report narrative it said he didn't want to go back
15 there on 5/21, 2013, um, to be re-interviewed there at that location. Is that
16 correct?

17 [REDACTED]: That is correct.

18 EE: Do you have any knowledge as to why that may be?

19 [REDACTED]: Ah, he, he basically um, when I talked to him to s...to set up the interview on the
20 21st, um, he stated that he did not want to go back to [REDACTED] or the FBI, um,
21 because of his girlfriend being arrested the second time he was interviewed at

22 [REDACTED]

23 EE: Ok, so it was two interviews at [REDACTED]?

24 [REDACTED]: Yes, yes.

25

1 EE: Ok. So, due to the fact that there was an unfavorable situation, where his
2 girlfriend was arrested, was the reason he didn't want to go back there?

3 [REDACTED]: That's correct.

4 EE: Wh...with all these verbal exchanges you had with Mr. Todashev, was there any
5 time where he appeared that he didn't have a wo...ah, thorough understanding
6 or ah, availability or usage of the English language, where something was lost in
7 translation? Did he speak English fluently I guess, is...

8 [REDACTED]: He, he had a good command of the language. He, he was pretty good.

9 EE: Ok. So, basically, the interactions you had, there was nothing lost in translation
10 that you are aware of?

11 [REDACTED]: No, no.

12 EE: Ok. You were asked, based on our review of the documents that I have, to
13 facilitate this meeting or maybe try to coordinate a meeting with Mr. Todashev on
14 5/21. Can you tell me your recollection of those conversations?

15 [REDACTED]: Yeah, I, I talked to him, I think two times on the phone um, in reference to um,
16 the um, Mass State Police and Boston FBI wanting to talk to him about um, an
17 incident that occurred in, in Massachusetts. Um, the ah, the two times that I
18 talked to him was basically trying to set up a, a time and a place for those, those
19 um, Troopers and Agent to talk to him in regards to the ah, an incident in Boston.
20 We eventually decided that um, [REDACTED] and the FBI Headquarters were out of, out
21 of play. Um, he wanted to meet at a hookah bar. I told him that was not going to
22 be a good plan and I said, "What would make you comfortable?" and he agreed
23 to meet at his house at 66, ah 6602 Paragrine.

24 EE: What is a hookah bar?
25

1 ■: A hookah bar, I, I've never, I've never really frequented one, but a hookah bar is
2 like a smoke shop, basically.

3 EE: Ok.

4 ■: It's a bar where they, they smoke.

5 EE: Is that um, the, the, to go to his apartment then was his idea?

6 ■: Correct.

7 EE: Or your...

8 ■: Correct.

9 EE: Alright.

10 ■: He said he'd feel comfortable at his place.

11 EE: With, with that comes all kinds of tactical considerations, I'm sure, on, on the part
12 of law enforcement.

13 ■: Yes.

14 EE: Wh...what types of, without getting into um, you know, ops plans type

15 details...what kind of things went into that, as far as deciding to go visit him?

16 ■: Ah, they had discussed, I mean there was four of us that were there and um, he
17 said that he would be there by himself um, which he wasn't. We showed up and
18 there was a friend with him, outside in the parking lot and um, just based on that,
19 I mean, with the amount of officers that were there, they believed ah, the scene
20 would be safe to talk to him at his house.

21 EE: And your, your conversations with him during the course of that day were over a
22 cell phone or were they from the office or...

23 ■: Over a cell phone.

24 EE: Over a cell phone? And you, do you still have his cell phone ah, number saved
25 in your phone at all, by any chance or...

1 [REDACTED] No, I do not.

2 EE: You, so you don't recall what cell phone number you were calling...

3 [REDACTED] No.

4 EE: that he would, he had at the time. I have to go back to one question.

5 [REDACTED] Ok.

6 EE: Did you actually ever personally witness Mr. Todashev fight?

7 [REDACTED] Yes, I did.

8 EE: I know that there is a report attached to some of this stuff. I believe it's an

9 Orange County report. There's one out of Boston and maybe even an OPD

10 report, but um, there is a report that I reviewed about Mr. Todashev fighting over

11 a parking space, um, does that, is that the one in particular that you may have

12 witnessed?

13 [REDACTED] Yes.

14 EE: Can you tell me about that?

15 [REDACTED] Um, there was a, there, there was a, we were conducting surveillance on the

16 individual and they had, they had a...

17 EE: Being, Mr. Todashev?

18 [REDACTED] Mr. Todashev. I'm sorry.

19 EE: Ok.

20 [REDACTED] Um, and they, ah, the FBI, we had a, ah aerial, ah, surveillance and...

21 EE: You don't, I, let me, let me, let me stop you there for a minute. I don't need to

22 know, um, particulars of how the information maybe was achieved, out of officer

23 safety issues and things of that nature.

24 [REDACTED] Correct.

25

1 **EE:** If you could just limit the answer to actually when you viewed it in whatever way,
2 what you actually ah, saw him do or the capabilities that he had. Let me, let me
3 add that, cause I don't want to put anybody in harm's way by talking about
4 tactics.

5 **█:** Correct. Ok. Um, yeah we witnessed the video of him fighting ah, in the parking
6 lot of, of one of the malls.

7 **EE:** And who was he in a fight with?

8 **█:** Ah, two unknown individuals at that time.

9 **EE:** Ok. And how did, what was the outcome of that?

10 **█:** Um, I believe he, from what I saw he knocked one guy unconscious and he
11 knocked another guy down to the ground with ah, punches.

12 **EE:** So he taug...he fought two individuals?

13 **█:** He fought two individuals.

14 **EE:** And this was prior to your meeting with him on 5/21, obviously?

15 **█:** Yes.

16 **EE:** So, that was part of your officer safety considerations as you went into this
17 apartment or towards this apartment?

18 **█:** Yes, they knew that he had, he was a fighter.

19 **EE:** So you coup...couple that with your MMA views on YouTube and you had a full
20 awareness of his fighting capabilities?

21 **█:** Yes.

22 **EE:** Alright. You mention going to the apartment. I see, throughout the paperwork
23 that ah, when you got there you made contact with Mr. Todashev and a friend
24 um, do you know that friend's name?

25 **█:** Khusen K-h-u-s-e-n. Spell that right, K-h-u-s-e-n.

1 EE: Tell me about that contact, if you don't mind, in the lot.

2 [REDACTED]: Um, first lot, when we first showed up, um, um, we went up to Mr. Todashev and,
3 and that was the first time I met the Khusen ah, person. Um, I introduced the,
4 the agents from, from Boston, ah, to Mr. Todashev. Told him that these were the
5 guys that needed to ask him questions.

6 EE: Let me, let me stop you there for a minute too. Um, I apologize, but as we refer
7 to them throughout this, because we're still working on particulars on how that's
8 going to be handled, feel free to refer to them as the officers, officer one and
9 officer two...

10 [REDACTED]: Ok.

11 EE: Um, if you know them by name, while we're working on this, I'm fully aware of
12 who their names are due to the documentation....

13 [REDACTED]: Correct.

14 EE: that I have. Um, but because we're not sure of the outcome of this being
15 released at this time, you can refer to them just please, as officer one and two.

16 [REDACTED]: Ok.

17 EE: Um, for, for certain reasons that have been brought to my attention, safety
18 reasons.

19 [REDACTED]: I understand.

20 EE: Ok?

21 [REDACTED]: Um, the three officers ah, were introduced to Mr. Todashev, um, I stayed outside
22 with, with um, his friend, um, Khusen.

23 EE: How did the conversation go in the lot with Mr. Todashev as far as um, consent
24 to enter the apartment? Do you remember any specific verbal exchange that
25 lead to you to obviously believe that it was consensual or to the contrary?

1 ■ Um, I, I didn't really hear them talk. I, when I introduced, I said these were the
2 individuals that were gonna be, you know, "asking you some questions in
3 reference to," you know, "certain things" and um, they, they all walked off towards
4 the apartment.

5 EE: And when you say "they", it was....

6 ■ It was Mr. Todashev and the, and the three officers.

7 EE: Ok. Now there was ah, something written that Mr. Todashev's phone and wallet
8 were in the possession of his friend that you mentioned, ah....

9 ■ Khusen.

10 EE: Did you see that exchange?

11 ■ I did not see that exchange, no, but giving, given the...no, I did not see that
12 originally.

13 EE: Ok. So, was you remaining outside the apartment a tactical consideration
14 or...why was that?

15 ■ Um, I had...I didn't, based on what they were talking about, there was no reason
16 for me to be in there because they were talking about a case that dealt with an
17 incident in Massachusetts, so therefore, I decided that it would be best that I just
18 stay outside and not have four officers inside the building.

19 EE: And speaking, not, not in depth about that particular ah, case, investigation,
20 cause that's open and on-going as well, but the case in Boston that you are
21 referring to...what is your understanding that case was?

22 ■ Ah, it was ah, reference to a ah, triple homicide.

23 EE: And was your understanding on that day that Mr. Todashev was a suspect in that
24 same crime or just a witness?

25 ■ Ah, no, ah they were looking at him as a suspect.

1 EE: Ok. On the way there, was there any conversation about recording that contact
2 with Mr. Todashev?

3 [REDACTED]: Ah, no, not that I, not that I'm aware of.

4 EE: That was originally, from what I read, I believe you, ah, you or another officer
5 along the way had said that was originally gonna be a one hour contact, or that
6 was the agreed upon time or roughly?

7 [REDACTED]: Yeah, I, I, I didn't think it would last more than an hour, to tell you the truth.
8 That's what we kind of talked about. I said, "This probably won't even last more
9 than an hour", when just like small talk in the car.

10 EE: Ok. Now, um, it went much longer than that?

11 [REDACTED]: Yes, it did.

12 EE: Ok. Was there a period of time where you were getting updates, ah, via text
13 message or anything like that on your, on your phone from anyone inside?

14 [REDACTED]: Yes, I got um, I originally um, I, forget if I either sent one of the original, like,
15 "Hey, are you guys ok? Everything good to go?" and either they respond, I, I
16 don't have the texts anymore, they, they self-delete themselves on the phone.
17 Um, but it was like, "Yeah, we're 10-4" and then I started getting some updated
18 texts in regards to um, their interview and how, how it was going.

19 EE: You say they self-delete? I, um....

20 [REDACTED]: Yeah, like after, I think like after 30 days, they just, they're not, they're no longer
21 on your phone. The name's on your phone, like who got it, but then it just
22 disappears, like the, the content of the, of the text.

23 EE: And that's an agency issued phone, FBI agency issued or [REDACTED]?

24 [REDACTED]: Ag...ah, FBI.

25 EE: FBI?

1 ■: Yeah.

2 EE: Were you ever ah, given the um, well let me go back. Reference the friend, um,
3 how long did the friend remain outside with you?

4 ■: Ah, Khusen and I stayed out there from 7:30 to 10:30.

5 EE: That's a long time. What did ya'll talk about?

6 ■: Ah, we talked about just life in Chechnya. It was really, I mean, different things, I
7 mean, ah, um couple directed questions where basically, you know, "Hey, did he
8 ever tell you that he knew the people up in, up in Boston?" Um, um along those
9 lines, but it was more along the lines like, "Hey, how is life in Chechnya?", you
10 know, what's the deal with the, you know, the differences between Russia and
11 Chechnya and stuff like that. It was kind of like just a get to know you type,
12 cause I never met the guy before, so...

13 EE: Ok, and that entire time he had, um, Mr. Todashev's phone and wallet in his
14 possession?

15 ■: Yes, and I didn't know that at the time, talking to him. I didn't know he had it on
16 him until ah, I received a, a text saying "Hey" or "Can you get his cell phone and,
17 and wallet?"

18 EE: Who ah, who texted you that? Who sent that text, rather, if you can recall?

19 ■: I don't recall who, who sent it. It was one of the guys inside.

20 EE: One of the agents inside?

21 ■: Yeah, one of the agents inside.

22 EE: And that was roughly 1030-ish?

23 ■: Yeah, 1030-ish they were ah, they were like, "Hey, we're gonna be a little bit
24 longer, so if you want to tell...", um, it was like, "Hey, can you tell Khusen to
25 basically", you know, "we're gonna be a lot longer than what we anticipate" and

1 "if he wants to leave, he can leave and were gonna take, we'll take him", ah, you
2 know, "we'll drop Mr. Todashev off to wherever he needs to be dropped off at."

3 **EE:** But they instructed you, in that text, to, to collect the phone and the wallet?

4 **█** Correct.

5 **EE:** How did that conversation go when you ah, um, broached the topic with Khusen?

6 **█** Um, I just told him, I said, "Hey listen, they, it's, it's", you know, "they, they're
7 discussing some things that happened and it's gonna be a lot longer than", you
8 know, "what we've been already been out here for, so if you'd like to leave", you
9 know, um, "the agents inside said that they would take him to wherever he
10 needed to be dropped off at."

11 **EE:** He voice any concern about that or did he seem....

12 **█** No, he didn't have any, I mean, he didn't really have concerns about it. He said,
13 "I know you guys got a job to do" and stuff like that. That was basically like one
14 of his statements, "You have a job to do, I understand."

15 **EE:** Was that the first time you had contact with him, that you can recall?

16 **█** Ah, Khusen, you're talking about?

17 **EE:** Yeah.

18 **█** Yeah, that's the first time I ever had contact with him.

19 **EE:** Ok. So you take the phone and the wallet and you hold on to it from the 1030
20 time frame until when?

21 **█** Ah, I think right away I just texted him and said, "Hey, I got the, I got his cell
22 phone and um, and wallet. Come and get it."

23 **EE:** Who came and got it?

24 **█** I think, (inaudible) officer, one of the agents inside.

25 **EE:** Can't recall which one, if it was one of the um, Boston or if it was the FBI?

1 ■: No, it was a, it was a Trooper.

2 EE: It was a Trooper?

3 ■: It was a Trooper.

4 EE: Were you requested at that, now was that right around the same time, the same
5 1030 time-ish?

6 ■: Pretty much, I mean, give or take a couple minutes.

7 EE: Were you requested to do anything in particular at that time, by that same
8 Trooper?

9 ■: There was a, they, they basically he told me the, the one that came outside
10 basically said, "Kind of stand out back cause he's getting...", the, the person was
11 getting a little hinky and they were afraid that he might run out the back door.

12 EE: And you clearly knew which apartment it was?

13 ■: Yes.

14 EE: And you visited that apartment in the past as well or...

15 ■: Well our first contact we had with them was the only time I was at that
16 apartment.

17 EE: Were you given an update on what was transpiring inside the apartment at that
18 time, by that Trooper?

19 ■: Ah, that the individual was, um, um, basically confessing to being involved in the
20 ah, in the triple homicide. He had implicated himself.

21 EE: Ok, so at that time, roughly 1030-ish, you're operating under the assumption that
22 at least probable cause had been established that he was suspect in a triple
23 murder?

24 ■: Correct.

25 EE: Ok, so what do you do at that time?

1 ■: Um, based on what they said, I, guess he went out for a cigarette, like or stood
2 by the back deck area. Wasn't outside, I think he was by the, the, the um, doors.
3 Um, I just kind of like hid out in the shadows ah, next to one of the apartments
4 and just kind of hung out right there while he, while he did his thing, smoking.
5 EE: Did you do, did you have a line of sight on anything that was occurring inside the
6 apartment? Did you have a vantage point where you could see or hear...
7 ■: No, I could not see inside the apartment.
8 EE: Could you hear anything going on?
9 ■: No. Not at that time.
10 EE: Those texts from the Trooper, regarding the wallet, the phone, those, those are,
11 they're gone as well?
12 ■: Yeah, it's been, like I said.
13 EE: Alright, so we go from 1030, you're kind of watching the back door to...
14 ■: That didn't last long. That was maybe ten minutes for him to smoke a cigarette
15 or something like that.
16 EE: Ok.
17 ■: Um...
18 EE: And then what did you do from 1030 to, I guess from reading the report, the next
19 ah, area in question would be roughly midnight-ish.
20 ■: Like I, like 1140-ish, um, I, I, from, from the time of like looking in the back yard I
21 basically went back to where I was in the parking lot just hanging out by, by, by
22 the Trooper's car, basically leaning against the car.
23 EE: Did you ever hear any noise coming from inside the apartment, um, at that time?
24 ■: We're talking about the 1140 time frame now?
25 EE: Yeah.

1 ■ Ah, no I did not. Um, actually one of the Troopers had come outside at that time
2 and ah, and was on the phone with, I want to say like the, their version of the
3 State Attorney, District Attorney or whoever was, he was on the phone with.

4 EE: Where were ya'll standing when that happened?

5 ■ Ah, have you been out to the apartment yet?

6 EE: Just the photographs.

7 ■ Just the photographs. From where the, from where the, like the, the front of the
8 door is, you got like a little walkway, sidewalk where actually out in the parking
9 lot, like right, right, where the cars would park like right up against, like if you
10 were walking towards his house, so right up....

11 EE: Close proximity?

12 ■ Yeah, close proximity, yes.

13 EE: Not, not right next to the door though/

14 ■ No, not at all.

15 EE: Tell me what happened next.

16 ■ Um, he was on the phone for a while, um, like I said, he was, he was, he came
17 out around 1140. I kind of like just stood by, just waiting to see what was going
18 on, trying to get some updates.

19 EE: Well, what were you, what were the updates you got? What did he tell you?
20 What did that Trooper tell you?

21 ■ Ah, I was just kind of listening to his thing. He basically said that the guy had
22 started ah, to write down a statement in regards to confessing to the ah, triple
23 homicide and that he was on the phone with the District Attorney, which I assume
24 he was probably getting a, a warrant, more than likely, so...

25 EE: Ok, what next?

1 ■: Um, I remember looking down at my watch. It was like around midnight. I
2 basically said, "Man this is a long time." Um, and then around like 1202, I
3 remember I, I, I hear three, three shots, bang-bang, bang. Three shots. We kind
4 of look at each other, he's still on the phone with, with the ah, District Attorney,
5 kind of look at each other a little bit like, we kind of like mouthed "Gun shots?",
6 you know like, "Was that a gunshot?" and um, we both drew our guns and started
7 running towards the door and then we heard four more shots, you know, right
8 away, bang, bang, bang, bang. And then that Trooper grabbed the door and
9 opened the door and...

10 EE: Well let's stop there.

11 ■: Ok.

12 EE: So you're, you're, you're still in the parking lot standing next to the vehicle at that
13 point?

14 ■: Pretty much, yes, the parking lot, the side walk, right, right, yeah, line of sight of
15 the door.

16 EE: Line of sight of the door?

17 ■: You could see the door.

18 EE: Both doors.

19 ■: Ah, just one door.

20 EE: The slider on the...

21 ■: The slider's on the other side of the house.

22 EE: Ok. So you, this door that you're next to, it would be the front door?

23 ■: That would be the front door, yeah. We were probably, if you had to say, feet-
24 wise, I'd probably say, I don't know, 25, 30 feet, maybe.

25 EE: Ok.

1 [REDACTED]: Short distance from the door.

2 EE: You, when you ah, described the shots, um, you're, you're fully convinced that
3 the first volley was three rounds?

4 [REDACTED]: Yes, I, I distinctly remember hearing three rounds.

5 EE: And it was ah, was there any gap between, a lengthy gap between the three or
6 were they all...

7 [REDACTED]: It was, it was, no it was like bang, bang, bang, like three shots, um, cause I just
8 remember, I mean, from the [REDACTED] days, I'm like man those, that, that was,
9 those were gunshots and ah....

10 EE: The numbers, the specific number of three though stands out to you?

11 [REDACTED]: Yeah, absolutely.

12 EE: Ok.

13 [REDACTED]: Yeah, and then, like I said we kind of looked at each other so, give or take a
14 couple of seconds, we both kind of like grabbed our guns and started to go, run
15 towards the door, figuring they came from that area and as we were going
16 towards the door, four more shots rang out.

17 EE: From the same...

18 [REDACTED]: From the same, from the same area.

19 EE: And they two were in succession or...

20 [REDACTED]: It was bang, bang, bang, bang. Four shots.

21 EE: Ok. Now you can pick back up with the, so the Trooper that was outside with you
22 on phone with the attorney, what did he do?

23 [REDACTED]: Ah, he ran to the door first. Ah, he grabbed the door and ah, I mean, I, the, the
24 four shots had already gone off, so when we got to the door, he had grabbed it,
25 pushed it open, we both like looked in to make sure everything was tactically

1 safe, cause we heard gunshots so we didn't know really what was going on
2 inside the apartment. When we opened it up, I immediately saw ah, the agent,
3 the FBI agent ah covered in blood with his, you know, on top of his head and his
4 face and...

5 EE: Where was he standing at that point?

6 [REDACTED]: Um, if we're, if we're looking at the apartment now the door had opened in, um
7 he...

8 EE: You mean swinging left to right.

9 [REDACTED]: Yeah, so it's, yeah, left to right so...

10 EE: Umm...hmm.

11 [REDACTED]: when it opened up, um, ah, the Trooper ah went in. I was right behind him. We,
12 I, again, I saw, I saw Mr. Todashev on the ground like in between, if you can
13 picture the house when, you got the entry, you got ah, foyer area, and then it
14 went off into like a little kitchen area and then it was like a little, I don't know,
15 place where you put your shoes, like a little hallway area. Mr. Todashev was
16 lying between that area and like the living room and the Trooper was probably
17 five to ten feet from him, like I said, covered with blood on his head and stuff like
18 that.

19 EE: Ok. The, the FBI agent?

20 [REDACTED]: I'm sorry, I'm sorry, the FBI agent, I'm sorry. The FBI agent was covered with
21 blood.

22 EE: Five or ten feet away from Mr. Todashev's location?

23 [REDACTED]: Correct.

24 EE: So he's deeper in the room?

25 [REDACTED]: Correct, yes.

1 EE: Ok. Um, and again I want to reiterate what you can specifically remember...

2 [REDACTED]: Umm...hmm.

3 EE: is what I'm after. If there was something that you can't remember, don't know

4 with a hundred percent certainty, we'll, we'll take that for what it is.

5 [REDACTED]: Umm...hmm.

6 EE: When you breached, when you opened that door and you made that observation,

7 um, was the FBI agent armed?

8 [REDACTED]: Yes.

9 EE: So he remained armed...

10 [REDACTED]: Yes, he still had his ah, weapon in his hand.

11 EE: In which hand?

12 [REDACTED]: I want to say his right hand.

13 EE: Ok, but ah, not, not definitive?

14 [REDACTED]: Not definitive, but, I do remember seeing a gun.

15 EE: Was the, ah, who else was in the room?

16 [REDACTED]: Ah, the other Trooper was standing next to him.

17 EE: On his right side or left side?

18 [REDACTED]: If you're looking at him from the entryway, he was on his right side.

19 EE: Ok, so he would have been...how, was he, so he was five, ten feet away from

20 Mr. Todashev as well?

21 [REDACTED]: Correct, right.

22 EE: Was he armed at that time?

23 [REDACTED]: No, I did not see, I did not see a weapon in his hands.

24 EE: Clearly he wasn't or he may have had one and, you just don't recall?

25 [REDACTED]: I just don't recall seeing one with him.

1 EE: Ok. So ya'll breach, you go into the apartment, um, where do you go?

2 [REDACTED]: Ah, I immediately stopped right at the door, ah, ah, the other Trooper went inside

3 um, I started, based on my training and experience in [REDACTED] and having gone

4 through a couple of situations, ah, I, I, immediately asked the agent, the FBI

5 agent, "Are you shot?" because of all the blood that was on his head. He

6 responded, "No" or "I don't think so." Or...along those lines, so it was either "No"

7 or "I don't think so" or, I'm pretty sure, it was one of those things. Um, I told the

8 Trooper, "Hey, start applying pressure, do whatever you need to do", you know, I,

9 I, "I need to make, I need to", you know, "notify what just happened."

10 EE: Which Trooper? The one that...

11 [REDACTED]: Ah, the one that came in with me.

12 EE: Ok.

13 [REDACTED]: The one that came in with me. I said, "Hey, get your guy to sit down", you know,

14 "apply pressure to", you know, "the agent's head" and stuff like that and "I need

15 to make some phone calls real quick."

16 EE: Ok. Let me go back one. You didn't hear any yelling or anything going on in the

17 apartment prior to hearing the shots?

18 [REDACTED]: No, I did not.

19 EE: Ok.

20 [REDACTED]: No.

21 EE: Um, so now, that Trooper that entered with you, did, when he breached, did he

22 go directly over Mr. Todashev, deep into the room or did he go into the kitchen?

23 [REDACTED]: I recall him going in. He opened the door. He went in and I want to say he went

24 right over Mr. Todashev, into, into the living room.

25 EE: Ok.

1 [REDACTED]: Right away.

2 EE: So now, you are having this verbal exchange with the three parties in, deeper in
3 the room...

4 [REDACTED]: Correct.

5 EE: um, where are you standing?

6 [REDACTED]: I'm still in the foyer area. I, I had not gone past Mr. Todashev.

7 EE: So you're in the linoleum area of the....

8 [REDACTED]: Correct.

9 EE: it, at Mr. Todashev's feet in that general area?

10 [REDACTED]: Right at his feet, exactly.

11 EE: What observations did you make, that are fresh in your mind, that are clear in
12 your mind at that time?

13 [REDACTED]: Uh, I immediately notice that there was a, a, a massive amount of blood, from,
14 from Mr. Todashev. Um, surrounding his, his, his whole, like face, you know
15 torso area and stuff like that.

16 EE: Ok.

17 [REDACTED]: Um, and then, like I said, the, the, the agent was first thing I saw was the agent
18 bleeding from, you know from the head. He was covered with blood on his, on
19 his head.

20 EE: Were there any, was Mr. Todashev speaking or making any noises or...

21 [REDACTED]: No, I, I did a quick assessment of Mr. Todashev, um, once I looked at him and
22 said ah, "Have you been shot?" and he replied, "No", I immediately started
23 looking at the, at you know, Mr. Todashev on the ground and there was no signs
24 of life, what so ever in Mr. Todashev.

25 EE: Ok. Do you remember seeing any weapons in the general area?

1 ■ There was a, there was a ah, um, um, Samurai sword that was to the left hand
2 side of him on the ground, um, it was standing up against where that shoe rack I
3 told you was, it was like right near that shoe rack.

4 EE: Did Mr. Todashev appear armed to you at all?

5 ■ Um, when I, when I did my general assessment of Mr. Todashev to see if I could
6 see if there was any signs of life, I did notice that he was lying on top of a um, a,
7 a, some type of broom stick or, or, or handle of something. It was under his
8 body.

9 EE: Which way was he facing?

10 ■ He was facing, well, well his feet were to me, so he was facing, his head was
11 facing towards the living room, on a, he was lying on his stomach.

12 EE: He was lying on his stomach? Ok. Did you ever touch any of those items when
13 you were doing your assessment?

14 ■ No, I did not. No.

15 EE: Ok, so no physical contact with any of the things that you just described?

16 ■ No, I, I, immediately told everybody when we went in the, once, once we, once I
17 assessed the situation, I immediately told everybody, don't, don't say anything,
18 we, we need to make some phone calls and get some people here.

19 EE: That's a particularly interesting statement that you just made, so let's explore that
20 a little bit. What is that based upon? The fact that you instructed people to do
21 that?

22 ■ Ah, just based on police shootings and stuff like that, we're always told, "Don't
23 say anything to anybody. Let's just keep everything fresh in your minds" and
24 stuff like that, so, I mean that was just a general, "Don't say anything to
25 anybody."

1 EE: And that's training and experience then that would...

2 [REDACTED]: Yes.

3 EE: cause that to have occurred?

4 [REDACTED]: Yes.

5 EE: Do you remember any, other than the response when you asked the question of
6 the FBI agent, do you remember any other statements made, spontaneous
7 utterances made to you prior to you giving that instruction, from any of the
8 individuals about what may have occurred?

9 [REDACTED]: No, I don't, no. I don't recall hearing anything.

10 EE: Ok. So you call 911?

11 [REDACTED]: Ah, no. I, I have just the regular dispatch number, like the main communication
12 number.

13 EE: And what is that?

14 [REDACTED]: It's a 321 number, it's....

15 EE: Ok.

16 [REDACTED]: So, I, I, it's speed dial, and it's like, you know...(chuckles)

17 EE: I understand.

18 [REDACTED]: Says "communications."

19 EE: It's recorded, I'm sure. Do you remember what you articulated or what you
20 stated?

21 [REDACTED]: Yes, I ah, after I told those guys, "Hey", you know, "Don't say anything", I, I went
22 outside um, after I, you know, after I assessed Mr. Todashev, I went outside ah, I
23 called communications number and said, "Hey, this is", ah, um, I gave them my
24 I.D. number. I, I forget, [REDACTED], whatever it was. Um, and ah, said, "Hey,
25 there's been a agent involved shooting, ah, at 6602 Perragrine, ah, ah, subject is,

1 appears to be signal 7", which is dead, um, and ah, "the agent has been either
2 stabbed, shot", not, not, I said, not, I said, "he's been stabbed or hit with some
3 type of object in the head. He's bleeding real bad, from the head. I need OFD,
4 send me a Watch Commander, send me, send me some units. I need to set up
5 a crime scene, ah get them here." I told them the scene was secure and that
6 everything was ok.

7 **EE:** Alright. Of course you know that's all going to be recorded so if it, those weren't
8 exactly your words, that's because that's just a rough...

9 [REDACTED] Yeah, its, its pretty much ah, verbatim. I just, I, I, I, told them, I remember telling
10 them that I wasn't sure what happened to the agent. I just said that he's bleeding
11 real bad from the head and I need OFD here right away.

12 **EE:** Tell me then, when you say that scene is locked down, from that point when you
13 made that call, through the responding individuals getting there, what occurred?
14 What steps were made to ensure that that was locked down?

15 [REDACTED]: Ah, before [REDACTED] showed up?

16 **EE:** Umm...hmm (affirmative).

17 [REDACTED]: Um, basically the, the, the, ah, the three agents, two troopers and an agent,
18 remained inside. I stayed right outside the, ah, the, where we basically started
19 the incident ah, down on the sidewalk, waiting for [REDACTED] to ah, come down, so ah,
20 to me the scene was secured with those three agents inside.

21 **EE:** Ok.

22 [REDACTED]: Until the, until the troops came.

23 **EE:** Alright, and tell me about ah, that point in time, when help arrived. What
24 occurred then? If you recall.

1 [REDACTED] Oh, well sure, I recall very much so. Um, I, I actually gave dispatch my, my call
2 back number to my cell phone and said, "Hey I'm", you know, "call me back at
3 this number." Ah, it, and, and, if, if they, if they have a hard time finding it,
4 because the apartment was in the back and um, I remember specifically stating
5 that, in my, in my, in my brain that, "Why are they still coming lights and siren
6 when I told them everything was ok?" I, I, and, and ah, I had my cell phone in my
7 hand, I started to walk out into the parking lot, which was illuminated, but not
8 really illuminated. It had like one, one or two lights, so I started thinking to
9 myself, "These guys probably have no idea who I am", you know, so "Let me get
10 myself under light", so when I started moving out into the parking lot, troops
11 started showing up and they started charging towards me, you know, with M-4's
12 and stuff like that, racking rounds in their M-4's and that was a...

13 EE: Ok.

14 [REDACTED] interesting experience, so...

15 EE: Alright, so they get there, you express what's occurred...

16 [REDACTED] Yes.

17 EE: Who at that point enters the, enters the scene that you're aware of?

18 [REDACTED] Um, they asked me ah, they asked me what's going on. I told them that it was a
19 FBI involved shooting, um, they immediately said, "What do you need?" Um, a
20 Watch Commander had shown up also, because the way the call went out on the
21 radio...

22 EE: Yeah.

23 [REDACTED] um...

24 EE: Do you remember who that was?

25 [REDACTED] Ah, Vince Ogburn.

1 EE: Ok.

2 [REDACTED]: Um, ah, I told Vince what had happened and he said, "Ok, this is a, this is a, this
3 is a, a, a, a FBI shooting." He said, "What do you need from us?" I said, "I just
4 need some crime scene put up." Um, I said, "The scene inside is secure." I said,
5 "The agents are inside", you know, "The victim's inside." Um, OFD had, was
6 staging so OFD was now released into the scene. Ah OFD met, met me at the
7 front and I told them they needed to go through the back, in order to get into him
8 because they couldn't really get through the, the front door and stuff like that.
9 Um, they made entry and, and ah, I think they worked....

10 EE: Did they bring an entire entourage or did just one person go in and call it?

11 [REDACTED]: No, they, I think they brought in the whole thing, with the whole truck unit like
12 they usually do.

13 EE: They all walked in the back door?

14 [REDACTED]: Yeah, there was probably three or four of them. Umm...hmm.

15 EE: Ok, so at what point in time did, was that apartment abandoned to the point
16 where it was ah, relinquished to the FBI or to the FBI forensics team?

17 [REDACTED]: Um, once ORFD came in, did their thing, I want to say, pretty much within and
18 hour or two, we had some more agents coming in, in regards to like their, their
19 ERT, their Evidence Recovery Team, so within maybe two hours.

20 EE: Ok, so when did the, when did the FBI agent get transported or go to the
21 hospital?

22 [REDACTED]: Um, I want to say...if you're looking for time frame, probably before 12, 1230ish
23 maybe.

24 EE: Ok, so fairly quickly?

25 [REDACTED]: Yes, fairly quickly, yeah.

1 EE: And from reading the report, I think one of the troopers went with...
2 [REDACTED]: I believe...
3 EE: that FBI agent?
4 [REDACTED]: yeah, I believe one of the, I, I, believe the, one of them that was inside went with
5 him.
6 EE: Ok, now as far as, did someone remain in the apartment for the length of time it
7 took for um, the FBI forensics team to get there?
8 [REDACTED]: Ah, we had ah, we had our OPD, ah, ah positioned outside the front door, with
9 the door open and we had one outside the back ah, sliding glass door, so nobody
10 went inside. I, I believe nobody went in that side, ah inside until the main, like
11 crime scene person showed up, their Evidence Recovery person.
12 EE: Ok, and in that time frame, when the FBI agent was leaving, um, to be treated
13 and the other trooper, did the, those, any of those three individuals make any
14 statements to you that stand out in your mind, though you instructed not to give
15 statements, did any of them say anything to you that had any significance or
16 bearing on this case, that, that may have explained what happened in there?
17 [REDACTED]: No, they did not, no.
18 EE: So no statements were made to you on that day?
19 [REDACTED]: Correct.
20 EE: When the FBI forensics team got there, did you brief them?
21 [REDACTED]: I gave them a synopsis of what was understood, like there was, hearing the shots
22 and stuff like that, and then locating the body inside.
23 EE: Ok, do you remember who that conversation took place with?
24 [REDACTED]: I want to say ah, I think her name is [REDACTED]. She's like the main, like [REDACTED]
25 [REDACTED], or something like that. She's like the main crime scene person.

1 EE: [REDACTED]

2 [REDACTED]: Yeah, [REDACTED], I'm sorry. [REDACTED] did I say [REDACTED]?

3 EE: Analyst over there, but she's on the...

4 [REDACTED]: But she's like one of the main ERT people...

5 EE: Umm...hmm.

6 [REDACTED]: so, you've heard of her?

7 EE: [REDACTED]?

8 [REDACTED]: Yeah.

9 EE: Yes. Ok, so the scene basically then was released to [REDACTED] or...

10 [REDACTED]: Correct.

11 EE: or responsibility for the scene?

12 [REDACTED]: Correct.

13 EE: [REDACTED]. Um, what did you do next on that date?

14 [REDACTED]: Ah, I pretty much stayed outside and just, they, they kind of like just, we, I just

15 stayed there, you know, until all the other agents were coming in. They pretty

16 much called out the whole cavalry to figure out if anybody needed any assistance

17 doing anything, so....

18 EE: Well, bear with me...

19 [REDACTED]: Go ahead.

20 EE: On this date, you were serving in pretty much two capacities. You were an [REDACTED]

21 officer, is that correct?

22 [REDACTED]: Yes.

23 EE: However you were assigned to the, ah, task force?

24 [REDACTED]: Correct.

25 EE: All these acronyms make it difficult to track.

1 [REDACTED]: I'm the [REDACTED]

2 EE: Hence the reason you were assigned this task to look into Mr. Todashev?

3 [REDACTED]: Correct.

4 EE: With your role there.

5 [REDACTED]: Yes.

6 EE: Ok. And you had three prior contacts with Mr. Todashev, prior to this incident?

7 [REDACTED]: Yes.

8 EE: Ok. You facilitated the planning of this particular or at least to communicate with

9 Mr. Todashev for this interview on 5/21/2013, correct?

10 [REDACTED]: Yes, at the request of them.

11 EE: That occurred over your agency cell phone, primarily?

12 [REDACTED]: Yes, over the, ah...

13 EE: Or it's in, in it's entirety.

14 [REDACTED]: Yes.

15 EE: First time you ever met Khusen, am I saying that correctly?

16 [REDACTED]: Yes.

17 EE: Last name L-N-U.

18 [REDACTED]: Ah, no his last name is ah, um, T-a, T-a-r-a-m-o-v.

19 EE: Ok. We'll want to make note of that. Cause I see in the report generated, well,

20 we'll talk about that later. The wallet and cellular phone, ah, belonging to Mr.

21 Todashev were in your care and custody for a very short period of time?

22 [REDACTED]: A, a minute maybe, if that. From the time...

23 EE: (inaudible)

24 [REDACTED]: from the time he gave it to me til the time I told him to come and get it outside.

25 EE: When you say "he", who gave you those items again?

1 [REDACTED] Um, Khusen.

2 EE: And Mr. Khusen received those items directly from Mr. Todashev?

3 [REDACTED] I would assume yes, I mean...

4 EE: Oh, you don't know?

5 [REDACTED] I don't know.

6 EE: Ok, and then you relinquished that, those articles to one of the troopers that

7 came out and got it?

8 [REDACTED] Correct.

9 EE: And text messages, we discussed that they were going back and forth to your

10 FBI issued phone, but those, the content of those has been since lost?

11 [REDACTED] Correct.

12 EE: Um, due to the time passage.

13 [REDACTED] Correct.

14 EE: And you never went into the apartment prior to the, ah, shooting?

15 [REDACTED] Ah, no. I remained outside the entire night.

16 EE: And when you breached that door and went into the foyer area, the linoleum

17 area, I believe, you didn't, you never went any deeper than that, past Mr.

18 Todashev's um...

19 [REDACTED] No, I went, I went basically to his feet and stopped, and, and, and looked at him

20 and far as I could see the agent also, from where I was.

21 EE: Alright. Scale of one to ten, regarding the number, the two different volleys of

22 shots, you indicate three and then four. How certain are you on a scale of one to

23 ten?

24 [REDACTED] Ah, I'd say it'd probably be a ten.

25

1 EE: Your instruction for everybody not to talk anymore is based on your training and
2 experience and involvement in prior incidents, correct?
3 [REDACTED]: Correct.
4 EE: You spoke to OPD dispatch, which would be memorialized in the recording?
5 [REDACTED]: Correct.
6 EE: Ah, and you observed the sword and a broom stick handle.
7 [REDACTED]: Correct.
8 EE: Alright. I apologize for the redundancy, but I'm going back through my
9 documents that I've reviewed and the, ah, the nature of the investigation was to
10 investigate a triple murder, a violent type crime? Is that correct?
11 [REDACTED]: Yes, that's what they were here for.
12 EE: And Mr. Todashev was identified through means that we don't need to discuss
13 today, as a possible suspect? Correct?
14 [REDACTED]: I, I would say yes, cause it's a Mass State Trooper case, so yes. He was
15 identified.
16 EE: You were operating under that assumption though, that day?
17 [REDACTED]: Yes.
18 EE: Your background, um, knowledge of Mr. Todashev fighting abilities, we've
19 already discussed. Mixed Martial Arts and somewhere in here I remember
20 reading a, a wrestler?
21 [REDACTED]: I...maybe...
22 EE: You don't recall?
23 [REDACTED]: No, I don't recall.
24 EE: Ok. That was actually surveillance video that you observed of the fight over the
25 parking spot?

1 [REDACTED]: Correct.

2 EE: Did the officers, the troopers that went inside and the FBI agent that went inside
3 that day view the same YouTu...that you're aware of, view the same YouTube
4 video and surveillance video of the ah, altercation with the two individuals in
5 Orlando? Do you know?

6 [REDACTED]: No, not that I recall, no.

7 EE: Ok. That may have occurred, but you just don't know?

8 [REDACTED]: Yeah.

9 EE: Ok. Did you make that information available to them verbally? Did you discuss
10 that with them before they embarked on their mission?

11 [REDACTED]: About the fight?

12 EE: Yeah.

13 [REDACTED]: Ah, they had known about the fight.

14 EE: They did?

15 [REDACTED]: Yeah, they knew about the fight.

16 EE: How do you know that?

17 [REDACTED]: It was documented in one of our, in, in, in, in, in the case that he had been
18 arrested for, for the battery and stuff like that.

19 EE: So, did, did, did they discuss that in front of you, that, do you have knowledge
20 that they knew specifically about that?

21 [REDACTED]: I, I, no, I don't have knowledge that...

22 EE: Ok.

23 [REDACTED]: they knew specifically.

24 EE: Alright. When the troopers came outside or the trooper came outside either of
25 those two times, did they mention the sword to you at all in conversation?

1 [REDACTED] No.

2 EE: Did they mention Mr. Todashev's demeanor, while they were conducting their
3 interview?

4 [REDACTED] No, no. They, they didn't talk to me at all about his demeanor.

5 EE: Alright, this is what I want to spend a little bit of time on and then we'll be done.

6 [REDACTED] Ok.

7 EE: Um, I'd like to go over what I, I reviewed a couple of days ago, the ah medical
8 examiner's investigative report.

9 [REDACTED] Ok.

10 EE: Um, which isn't out yet and I'm not sure, I, I would slide that in front of you but
11 due to the nature of the investigation, I, I'm just going have to work from here and
12 um, talk about specifics here. Do you remember meeting a Laura Zeddick, I
13 believe was her name, she was an M.E. Investigator that came out?

14 [REDACTED] I remember, I, I don't remember who exactly came out, but there was a female
15 that showed up originally.

16 EE: Do you remember your conversation with her?

17 [REDACTED] No, I mean it was real brief, if it was anything.

18 EE: Ok. I'm going to take some excerpts from that report and ask you some pointed
19 questions. If you can't remember specifically, the answer, that's fine, but if you
20 do, please provide that. Um, did you report or do recall having any conversation
21 regarding it being more than one FBI agent involved in this shooting?

22 [REDACTED] No, I don't remember, no, I, I didn't say anything about more than one FBI
23 shooting.

24 EE: Do you recall saying anything that maybe was taken out of context where there
25 was more than one individual involved in the shooting?

1 ■ It may have been taken out of context when I said there was agents inside and
2 there was a shooting, so, it could have been taken out of context, if that's what
3 you're implying.

4 EE: Ok.

5 ■ Yeah.

6 EE: Ok. But at that point in time you, you clearly were under the, ah, well let me, let
7 me, how did you know how many individuals were involved in the shooting at that
8 point?

9 ■ Based on what I saw, I, I only saw one guy with one, what with one gun, so I was
10 under the assumption it was only one guy that shot.

11 EE: So that very night, you were operating under the assumption of one, one
12 shooter?

13 ■ Correct.

14 EE: Not, not due to anything they verbally told you, just on your, based on your
15 observations?

16 ■ Just based on my observations.

17 EE: She also narrates in here that the incident took place at ah, 0007 hours on 5/22
18 2013, where it actually, is that the actual date or was...(inaudible)

19 ■ Yeah, the 22nd, it took, cause it took place after midnight so...

20 EE: Ok.

21 ■ It was a couple minutes after midnight. 22nd.

22 EE: And again, due to the report narrative, it says, "The FBI agents fired
23 approximately seven times, from their Glock 23's" and it's very specific when you
24 look at that, that she's talking in plural, so I'm just curious as to where that may
25 have generated, so...

1 ■ And again, like I said, it may have been taken out of context, like I said, there
2 were agents inside. I don't, and I, I don't remember ever, remember recalling
3 saying that there was more than one shooter.

4 EE: Nor do you remember saying specifically that was....

5 ■ That there was one shooter...

6 EE: just one...

7 ■ Yeah, I don't remember telling her how many were.

8 EE: So that could have just been her interpretation of the conversation she had with
9 you.

10 ■ Correct, cause like I said, that conversation lasted, probably all of a minute,
11 maybe.

12 EE: What time did she get there? Do you remember, roughly?

13 ■ No, I don't recall. It was....after one maybe, before one, one o'clockish, maybe?
14 I know they notified ah, I know OPD notified, you know, the M.E.'s Office, so
15 whatever time it was notified.

16 EE: And do you know, from standing outside, prior to the body recovery team getting
17 there, and that's what I'm referring her to here with the investigator, had the
18 processing already started to occur inside with ■ team?

19 ■ I think they just started taking pictures, documenting evidence.

20 EE: (inaudible)

21 ■ Again, like I said, I was outside, so...

22 EE: Ok, and roughly how many people were involved in that, just ah...

23 ■ I'd say maybe two or three.

24 EE: prior to the M.E. getting there?

25 ■ I believe so, yes.

1 EE: Ok, and were you in a position where you could see any of the, that going on
2 inside?
3 [REDACTED]: No, they, they, they said don't even bother coming in, just, they got, they got it
4 under control.
5 EE: Gentlemen, I'm going to open it up to, do you have any questions for what we
6 have discussed so far, do you have anything else that you'd like to express?
7 [REDACTED]: No, I mean, I, I, I didn't really have much to offer other than being outside.
8 EE: You conducted the first interview. Is there something you'd like to re-visit, um,
9 [REDACTED]?
10 [REDACTED]: Ah, no, I mean, pretty much everything we talked about originally and we
11 covered mostly everything. One thing, um, that I just, and I don't know...
12 EE: I don't know if it's going to pick you up, but...
13 [REDACTED]: I'm sorry. One, one thing, I don't know if it's a typo on a note, or a not. The
14 address you referred to as 6602 and you have 6022 so I don't know if that's
15 something that a contradiction that you might want to clear up.
16 EE: 6622?
17 [REDACTED]: I believe it's 6602.
18 EE: (inaudible, talking over each other)
19 [REDACTED]: I think it's 6602 Perregrine.
20 [REDACTED]: (inaudible)
21 [REDACTED]: I'm pretty sure it is.
22 [REDACTED]: It said 6622. I just want to clear that up.
23 EE: Ok.
24 [REDACTED]: It might be a
25

1 EE: And again, we're talking about a general note sheet that I'm using to conduct the
2 interview, which I'll...

3 [REDACTED] Right. It's, ah, I think it's either 6-6602 or 6022.

4 UK: (unknown speaker, inaudible)

5 [REDACTED] Yeah, I'm going off the top of my head.

6 [REDACTED] I just wanted to, in case there's a contradiction later on...

7 EE: Ok.

8 [REDACTED] to address it.

9 EE: Good catch.

10 [REDACTED] Other than that I think um, I mean it's pretty much what we had discussed, you
11 know, some months earlier.

12 EE: Yeah, and if you don't mind, I'd like to reiterate, if you have ah, an opportunity to
13 try to find those links for those fights, I'd like to view those as well.

14 [REDACTED] Yeah, I, I, and again, I, they were shown to me, so, but I think if you go to
15 YouTube and you punch in like "Chechen fighter" or something like that, I think
16 his, I think his video comes up. But I'll, I'll try to find them if I can for you and stuff
17 like that so...

18 EE: Do you swear everything you said today is true?

19 [REDACTED] Yes, it is.

20 EE: Thank you for your time. Conclusion of the interview, same individuals in the
21 room, at ah, 1135 am.

22 End of recorded statement. ^{EE} I (have) have not reviewed this transcription for
23 accuracy. Signed this 8 day of November, 2013

24 Eric Edwards

25 CHIEF INVESTIGATOR ERIC EDWARDS/STATE ATTORNEY'S OFFICE

1 RECORDED TRANSCRIPT OF TROOPER [REDACTED]

2 INTERVIEW CONDUCTED BY CHIEF INVESTIGATOR ERIC EDWARDS

3 CASE NUMBER – 48-2013-UF-000014

4 EE – CHIEF INVESTIGATOR ERIC EDWARDS

5 [REDACTED] – TROOPER [REDACTED]

6 UK – UNKNOWN PERSON(S) SPEAKING

7 JA – STATE ATTORNEY JEFF ASHTON

8 RR – ATTORNEY RICHARD RAFFERTY

9 BK – ATTORNEY BARRY KOWALSKI (DOJ)

10 [REDACTED] – INSPECTOR [REDACTED] (FBI)

11 [REDACTED] – SUPERVISORY SPECIAL AGENT [REDACTED] (FBI)

12 EE: Today's date is September 6, 2013. It's approximately ten minutes after twelve.
13 My name is Eric Edwards. I am the Chief Investigations for the State Attorney's
14 Office, 9th Circuit in Orlando, Florida. Um, I'm currently sitting in 11 Beacon
15 Street, Suite 700, in Boston, Massachusetts and sitting in the room, for economy
16 and motion purposes, the prior interview we already captured everyone that's in
17 the room, ah, names. The same individuals in the room this time, ah, other than,
18 Trooper, can you state your name for me please, Sir?

19 [REDACTED]: [REDACTED]

20 EE: And the previous trooper interviewed is not here, as well. Um, Trooper, can you
21 raise your right hand for me? Do you swear that the information that you give
22 today is going to be tru-ah, true and freely given?

23 [REDACTED]: Yes, Sir.

1 EE: And it's regarding a use of force incident that occurred on ah, 5/21/22, 2013,
2 actually on the 22nd, um, in Orlando, Florida and I want to reiterate, this is for a
3 witness statement. You are aware of that?

4 [REDACTED] Yes, Sir.

5 EE: And that it's being recorded.

6 [REDACTED] Yes, Sir.

7 EE: Um, also present is the State Attorney for that circuit, Jeff Ashton. I've ah,
8 previously I was brought, it was brought to my attention that you just got the
9 reports or the statements that you made to the FBI last night, so if any time
10 during this conversation, you don't recollect or you can't remember definitively or
11 want to refer to your notes or your reports, please do so. There's no sense of
12 urgency here, no time crunch so...

13 [REDACTED] Thank you.

14 EE: Alright. Um, I'd like to start with disc...if you would please for me, describe your
15 law enforcement experience...

16 RR: Excuse me, are you going to I.D. everybody in the room?

17 EE: I, I, I can do it again if you like, but everybody in the room, same as we did in the
18 prior interview, so, other than the other trooper is not in here, so...if that...

19 RR: Good. Good.

20 EE: would make you comfortable we could...

21 [REDACTED] Um, um, I initially joined the academy in ah, for the [REDACTED]
22 Massachusetts as a police officer in [REDACTED] um, May of [REDACTED] and continued
23 without break of service where I joined the State Police in June of [REDACTED]. Um,
24 duties include ah, patrol, which were numerous barracks, in uniform. Um, and
25 then transferred to the Office, ah, [REDACTED] (inaudible) and then since

1 two, ah, [REDACTED], I've been with the ah, assigned to the [REDACTED]
2 [REDACTED], within the [REDACTED] at ah, State
3 Police.

4 EE: So it's ah, common practice for you to deal with the vio...most violent of the
5 violent? That's, that's who you look for in your current task?

6 [REDACTED]
7 [REDACTED]

8 EE: In your law enforcement training and that's from [REDACTED] um, til present, you've done,
9 um, a great deal of training in, I would imagine, defensive tactics and use of force
10 scenarios or...

11 [REDACTED] Ah, we have had ah, I've had defensive tactics trainings for academy and then
12 special um, ah, I have um, completed Patrol Rifle class, ah (inaudible) for that,
13 which was um, training and also we've done use of force or shall I say, um,
14 house scenarios that we'd use, um, abandoned facilities that we've done at ah,
15 academy with the unit to train for entering houses and clearing rooms and such
16 as that?

17 EE: Force on force type training?

18 [REDACTED] Um...

19 EE: And entry training?

20 [REDACTED] Ah...

21 EE: Distraction?

22 [REDACTED] It's not ah, our, our, our unit is not a tasked with like a SWAT team or STOP team
23 per se. We use them on high risk ones, but a lot of our stuff is trying to um,
24 [REDACTED]
25 [REDACTED]

1 EE: Ok. I want to go to ah, [REDACTED], I believe, or not [REDACTED], it was the ah, yeah [REDACTED],
2 2013. Did you have an opportunity to go to [REDACTED] Headquarters, The [REDACTED]
3 Police Department Headquarters and witness a, an interview of Mr. Todashev?

4 [REDACTED]: Ah, no, Sir.

5 EE: You did not?

6 [REDACTED]: I did not go on that interview.

7 EE: Alright. When is the first time that you had contact or ob...observed Mr.
8 Todashev?

9 [REDACTED]: Ah, the first time was on the evening of May 21, 2013.

10 EE: Alright, we'll pick it up there then. Prior to making contact with Mr. Todashev, did
11 you have ah, any knowledge or information regarding his fighting skills or any
12 violent history he may have?

13 [REDACTED]: Yes, Sir.

14 EE: Can you tell me about that?

15 [REDACTED]: Um, I was aware that um, when he was in Boston, he had an incident where he
16 was arrested, I believe by the Boston Police Department that was on his ah,
17 charged with some type of assault after a road rage incident. I was aware that
18 he um, had a, was to be criminally charged or was facing charges, possibly, on a
19 incident that occurred in Florida at a hookah bar, ah, where he had ah, assaulted
20 the bar owner, um, and I was a...I was aware that he ah, had also been in an
21 altercation, probably a couple weeks earlier in Orlando where there was a
22 parking lot altercation with, ah, a couple male individuals that ah, he took ah,
23 assaulted and I was aware of his MMA experience through, ah, videos and
24 actually had done an interview with another FBI agent prior to that trip at the ah,
25 gym that he had trained at in the Boston area of Massachusetts.

1 EE: You were involved in that interview or...

2 [REDACTED]: I had gone to an interview, um, just ah, as part of the investigation, prior to that
3 and spoken with some people at the gym.

4 EE: What was, what was the outcome of that conversation?

5 [REDACTED]: It was, it was just...

6 EE: Let me, let me, I, I, I should have said these things first. As we talk, as, as we go
7 on, let's refer to the other individuals involved in this just by their titles. We don't
8 have to mention names...

9 [REDACTED]: Ok.

10 EE: and then I know that this case, some of these cases are open and on-going and
11 some of them ah, ah, can't be discussed, particulars can't be discussed so if it's
12 something that you can share...

13 [REDACTED]: Umm...hmm.

14 EE: um, please feel free to do so. Um, regarding that contact at the gym though,
15 what was shared with you? What was, what information about Todashev and his
16 fighting skills was shared with you during that contact, if you can remember?

17 [REDACTED]: Um, spoke to ah, to a party there, I don't recall his name off-hand. I don't have
18 my notes with me, but he was, he was um, ah, based upon, he was a worked out
19 there and he was a trainer at whatever and he had, had dealing with him and just
20 basically um, talked about his skills and I had look...I observed him, ah, in a
21 photo on the wall with a bunch of fighters and it was just ah, more and more
22 general um, as it pertains to the whole marathon investigation and, and, finding
23 out who this person was.

24 EE: Ok, and when you left that particular meeting and with these other things, if you
25 viewed the YouTube videos, is that...

1 [REDACTED]: I viewed the YouTube videos. I have not seen, I only had heard, I have not seen
2 the, ah, Orlando one in the parking lot. I've only seen the ah, the YouTube videos
3 of him MMA and excuse me an MMA ring.

4 EE: So your contact, first contact with him on the 21st, your impression of him at that
5 time would be, what would, what would be his skill set? (inaudible) your state of
6 mind?

7 [REDACTED]: Um, He was a professional, professional fighter who is dangerous, dangerous
8 with his, ah, his, his skills were um, highly spoken of among people who were
9 um, who knew him and who, from him, observing the video, and from his actions
10 that had been observed.

11 EE: Ok. Prior to um, going out there and making contact with him on the 21st, was
12 this openly discussed as far as part of a, I don't want to say "ops plan", but as far,
13 as far as the, sharing that information amongst all of the individuals or law
14 enforcement involved with the approach...did everybody have that same
15 knowledge?

16 [REDACTED]: Yes.

17 EE: Ok.

18 [REDACTED]: Yes.

19 EE: Anything that we haven't talked about here that maybe was shared as far as him
20 having that type of skill set or tactical considerations?

21 [REDACTED]: The considerations were um, which I think you'll lead into it was to ah, interview
22 him at the [REDACTED], that, that was the safest area that he had, I was not privy to that
23 interview before, but that was the whole mind set of our interview and that was
24 where we anticipated it was going to take place because of, we knew how
25 dangerous he was.

1 EE: My understanding is Mr. Todashev didn't want to do that. Um, do you know why
2 he...

3 [REDACTED]: I was um, not on the phone, the special agent in the room was talking to um, you
4 know, an [REDACTED] Police Officer, and um, he did not want to meet us at the PD.
5 He had said, made a comment that he would ah, ah, meet us at the, he was
6 apparently a hookah bar, ah, with a bunch of his friends. We, we tried to
7 convince him that that wasn't a good place where we could talk to him and they
8 ah, Officer [REDACTED] was able to convince him...

9 EE: (inaudible) no names.

10 [REDACTED]: I'm sorry. Uh...

11 EE: Let me look at the time on that so if we have to knock that we...

12 RR: **(Unknown person speaking in the background, inaudible)**

13 EE: I know it's difficult, but try to keep that in mind.

14 [REDACTED]: So the officer from [REDACTED] ah, spoke with him and ah, we were told that he
15 would agree to meet us at the ah, his apartment.

16 EE: Do you remember Todashev's demeanor when you approached him at the
17 apartment?

18 [REDACTED]: Um, nothing remarkable, um, I introduced myself, ah, to him and his friends. We
19 shook hands and then we walked to his apartment and um, he made a comment,
20 right from the very, there was a picture of ah, a sticker of ah, I believe a AK47 or
21 something on the door, ah, exterior door of the apartment. He made a comment
22 that it wasn't his or it was a friend's apartment or something to that, I think and
23 then ah, asked us to remove his shoes and went to the apartment.

24 EE: So everyone removed their shoes?

25 [REDACTED]: Yes, Sir.

1 EE: Did he say why that was?

2 [REDACTED] He didn't say, but I just ah, removed them.

3 EE: Ok. Which in years of law enforcement did, did your, your impression of the
4 conversation at that point in time, was it a consensual...

5 [REDACTED] Yes, Sir.

6 EE: ah, entry and a consensual interview process?

7 [REDACTED] Yes, Sir.

8 EE: Did Mr. Todashev ever at any time ask ya'll or any anyone in your ah,
9 investigative party to leave his apartment?

10 [REDACTED] No, Sir.

11 EE: And I know this changes, from reviewing the documents available but um, can
12 you describe Todashev's demeanor during the first stages of the interview?

13 [REDACTED] Um, his first stages was um, nonchalant talking. He initially wanted to talk about
14 his case that he had pending, um, which Trooper [REDACTED] told him that ah, we
15 couldn't talk about that cause he already had an attorney assigned to him and he
16 made a comment that um, it was self-defense and um, used the term he
17 dislocated the, the gentleman, the person's teeth. Um, but then after we got
18 through that, we began to do ah, questions on a time line, more related to Boston
19 and that's how the interview went.

20 EE: So he was suspected, and I missed this from the top part. I apologize. But when
21 you went there, he was suspected of what crime?

22 [REDACTED] He was suspected of a triple homicide or being involved in a triple homicide that
23 occurred in the city of Watha – or Town of Waltham, Massachusetts on
24 September 1st, ah, September 11th of 2001.

25 EE: Ok, so you know that...

1 **RR:** I just, you used the word suspected and I think he was a person of interest at that
2 point. I just wanted to make that clear. I don't want you to mimic what he is
3 saying. Give the answer freely.

4 **[REDACTED]:** He was a person of interest that we had um, conducted background on to see if
5 he was in Boston at that time, and we were going to um, either confront, either
6 confirm or dispel any type of involvement if we could do through an interview.

7 **EE:** Well I can clear that up. Somewhere along that interview, I know probable cause
8 was established...

9 **[REDACTED]:** Yes.

10 **EE:** according to what....

11 **JA:** Can I ask, can I ask one clarification? Did you say it was 2001?

12 **[REDACTED]:** Excuse me, no, 2011. 9, 9...

13 **JA:** Ok, that's...

14 **[REDACTED]:** 9/11/2011.

15 **JA:** 2011.

16 **[REDACTED]:** The ten year anniversary, I'm sorry if I got the dates wrong, yes.

17 **EE:** There's a reason...

18 **JA:** No problem.

19 **EE:** that mistake may have been made though. I understand. The, the when you say
20 2000 and....

21 **[REDACTED]:** Yes, 2011.

22 **EE:** Right.

23 **[REDACTED]:** 9/11, 9/11/11.

24 **EE:** Um, ok so, here's, just, just to set the stage, um, he's suspected of possibly
25 being involved in a triple murder and he has the fight set and the fight skills and

1 you guys are going into his apartment is what you're assuming. Um, there was
2 tactical considerations to take three officers in there? Was that discussed?

3 [REDACTED]: Initially ah, at [REDACTED], ah, Trooper [REDACTED] and Trooper [REDACTED]...

4 UK: You did it again.

5 [REDACTED]: Oh, I'm sorry.

6 EE: I'm writing down more numbers here and....go ahead.

7 [REDACTED]: Yes I was going to stay outside and ah, observe ah, the interview through a room
8 and then that was the original plan was to interject with um, empirical data or
9 something that would aid in the furtherance of any questionable answers that
10 came forward, but at this point, um, all three of us, decided, we had to go, we
11 decided that all three of us were going to go into the apar...

12 EE: That was the plan if it was in a sterile environment at [REDACTED] Headquarters?

13 [REDACTED]: Yes, Sir.

14 EE: Ok. So now you make contact at the apartment in the parking lot and those
15 considerations change.

16 [REDACTED]: Ah, well the consideration, it, it changed when we were told that that's where it
17 was going to be.

18 EE: Ok, and I would imagine ah, those were for tactical, safety reasons with all of the
19 things we've already discussed?

20 [REDACTED]: Yes, Sir.

21 EE: Did you witness, during the course of the interview and um, ya'll were inside Mr.
22 Todashev or whomever's apartment, ah, did you witness Mr. Todashev being
23 Mirandized?

24 [REDACTED]: Yes, Sir.

25 EE: What was his demeanor at that time?

1 [REDACTED] Ah, nothing remarkable. Um, seemed to be cooperative.

2 EE: I know this is um, I don't think there is a definitive time that maybe you could
3 come up with, but do you remember, during the course of the event, I know it
4 was a lengthy interview...when you believed that probable cause was
5 established, making Mr. Todashev [REDACTED] that triple murder?

6 [REDACTED] For me, I believe, um, the probable cause existed when he put himself ah, [REDACTED]
7 [REDACTED] and made the comment that it was ah, just gonna be a robbery.

8 EE: When he made that statement then, going back to the other, was...and the
9 Miranda issue...but did you, did you, did it appear that his demeanor changed
10 once he had bought into his involvement in that?

11 [REDACTED] Um, yes. He um, he asked um, he had ask me to get him cigarettes and he
12 began to um...

13 EE: I'm sorry. I can't hear you.

14 [REDACTED] He asked me to get cigarettes for him...

15 EE: Ok.

16 [REDACTED] which um, and then he began to ah, um, chain smoke and ah, he appeared to be
17 um, thinking about the answers that he was giving and not in the manner before.
18 There was delays in what he was going to tell us in each statement that he
19 made.

20 EE: He was more selective on his word choice then?

21 [REDACTED] That would be a good...

22 EE: And that, this, uh....

23 RR: You need to speak up.

24 [REDACTED] Yes, Sir.

25

1 EE: Did he ever um, and I've watched the videos and the, or the video and the um,
2 listen to the recordings. Did he, did he ever appear to have a problem with the
3 English language? I didn't detect any. Did he seem like he understood
4 everything that was going on?

5 [REDACTED]: Um, he was able to communicate. Some words he didn't know. Some words,
6 um, he got ah, he needed clarification on. Ah...

7 EE: But he would express that to you and afford you an opportunity to clarify?

8 [REDACTED]: Yes, Sir.

9 EE: Ok. And you guys would do that?

10 [REDACTED]: Yes, Sir.

11 EE: Now that I've touched upon that topic, what was the plan, the overall plan for
12 recording the interview with Mr. Todashev, originally?

13 [REDACTED]: The original plan was ah, [REDACTED] Headquarters, and presumably as it was recorded
14 before, he'd be in a room, a sterile environment and it would be recorded.

15 EE: And that changed because of?

16 [REDACTED]: The refusal to meet at [REDACTED] and we had to ah, come to his location.

17 EE: Ok, so now you have to come up or discuss a manner in which to try to capture
18 some of this interview or give me your recollection of that. I know I've read a
19 document here.

20 [REDACTED]: Um...

21 RR: You gotta speak up.

22 [REDACTED]: Oh, I'm sorry. It wasn't um, it wasn't, it was ah, it wasn't a thought out plan that it
23 was, it was, we were moving on the fly. I was very quick and to the, when we, he
24 agreed to meet us, it was well, when? And it was like, get there now, and we
25

1 hustled and made plans to drive as fast as we could to, to make this meeting and
2 it was on the move.

3 EE: So there was a sense of urgency that wouldn't allow someone to get ahold of a
4 tech team or something like that to try to capture this.

5 [REDACTED] Yes, Sir.

6 EE: The ah, one of the recorders that captured the video, I believe is 26 minutes and
7 three seconds long. Ah, that, that belongs to or it belonged to you...

8 [REDACTED] Yes, Sir.

9 EE: And that recording abruptly ends. Um, why is that?

10 [REDACTED] Um, the battery failed.

11 EE: You didn't realize that until you downloaded it later or....

12 [REDACTED] No, I would periodically go back and check the recorder and look for the red light
13 and one time I came back and saw that there was no, it was not illuminated and
14 the, the unit was dead.

15 EE: I also, I received a copy of the um, some photographs that you captured. You
16 captured an image of Mr. Todashev sitting next to the back sliding glass door at
17 2352 hours on the 21st. Um, did he ever appear to want to take flight or seize
18 that window of opportunity if you will to escape or leave?

19 [REDACTED] Um, I'm not sure what photos you're speaking of.

20 EE: Mr. Todashev here. I'll mark that number one. (inaudible).

21 [REDACTED] Did, did, where did you obtain them? Did they come off the disc or...

22 EE: I got those from the FBI or something. It was provided...ok.

23 [REDACTED] You mean the back sliding door. Is that correct?

24 EE: Yeah the back...

25 [REDACTED] Yeah, ah no, I'm just, I'm not sure if, if I don't...

1 EE: They may be stills taken from your....
2 [REDACTED]: They may be stills taken from my video
3 EE: Ok.
4 [REDACTED]: I'm not sure. I don't, I don't remember...
5 UK: (inaudible)
6 EE: Ok.
7 [REDACTED]: I wasn't ah...
8 [REDACTED]: Yeah, it's not from the (inaudible)
9 [REDACTED]: I don't remember ah....
10 [REDACTED]: They're either from the video recording or evidence pictures collected from the
11 FBI.
12 EE: Ok.
13 UK: Ah, taken of the room.
14 EE: Here's the meat and potato of that issue then.
15 [REDACTED]: Yes.
16 EE: Well look at that later.
17 [REDACTED]: Ok.
18 EE: Um, with Mr. Todashev sitting this close to an open ah exit point....
19 [REDACTED]: Umm...hmm.
20 EE: did you ever detect that he ah, wanted to take a, ah, the opportunity to leave and,
21 and run from the...he had already confessed at this point...
22 [REDACTED]: He was confessing, he was, at prior when, he observed, when he implicated
23 himself, when I had gone outside to obtain cigarettes for him, I had told the, ah,
24 [REDACTED]. I told [REDACTED] to ah, what was going on that he was confessing and to
25 please cover the back in case he decided to flee. Um, he made no move to flee

1 at all. Ah, we allowed him to smoke at the open door, um, except when he finally
2 shut it to turn the air conditioner on.

3 **EE:** So, if in fact he felt that ah, there was an opportunity or a need for him to leave,
4 there was an open door to do so?

5 **[REDACTED]:** Yes, Sir. There was an open door.

6 **EE:** I'm, I'm, I reviewed a small chart that the, ah, was provided regarding some text
7 messages. Um, I know that during this same from watching and reading some
8 documents that, though your phone was used to try to capture some additional
9 video. Is that correct?

10 **[REDACTED]:** Yes, Sir.

11 **EE:** Um, you ah, needed to, you shut that phone down from the video so you could
12 communicate via text messages with your partner? Is that correct?

13 **[REDACTED]:** After the, he was writing his confession and there was no more questions being
14 asked of him, I took, went to the phone, stopped the recording and began to
15 check my text messages and use that to communicate.

16 **EE:** And that's why as he was sitting there writing that entire, or writing the portion of
17 the confession that it wasn't completely recorded because that was on actual cell
18 phone that you used....

19 **[REDACTED]:** That was, that was on my, my cell phone, yes, Sir.

20 **EE:** Um, at 2359 hours there's an outgoing text from your phone that said, "Three of
21 us, in his apartment. We copenwrathed him." Now I Googled that.

22 **[REDACTED]:** Yes.

23 **EE:** I'm not having any luck.
24
25

1 **RR:** Ok, anyway, we just have to give a little levity to this...it's a terminology that
2 some people use, um on the job, the State Police. Ah, it's kind of an inside joke,
3 so he'll explain it now.

4 [REDACTED] It's, it was referring to an individual that use to, to be under my unit and in
5 [REDACTED], we often talk to people and try, ah, to get them to tell us other
6 things will, may lead us in the direction and sometimes that can be a lengthy
7 interview and sometimes I have a habit of talking a long time in a house to
8 someone to establish a further lead that we can go for and this person had a
9 habit, so it became a quote, um, sort of a term or a legend in, within the unit, is
10 someone who ah, had a habit of....

11 **EE:** So it was an inside, family...

12 [REDACTED] It was an inside, it was a family term.

13 **RR:** Someone who talks a lot.

14 **EE:** Got it. You sent a text at 1203, which would be the following day, the 22nd, "Be on
15 guard, he's vulnerable. He's in a vulnerable position do some...to do something
16 bad. Be on guard now, I see him looking around at all, at times." Can you
17 describe what you are seeing that, that led you to send that text?

18 [REDACTED] Um, chronologically, that text came after the bathroom.

19 **EE:** Ok. Tell me about the bathroom then.

20 [REDACTED] Oh, ok. So, he ah, I had gone to the stairs, um, and I was on the stairs,
21 observing him as ah, the other FBI was in front of him ah, and he had asked
22 some questions, but I saw, I caught him looking up at the agent, caught him
23 looking over toward where the ah, the sword was hanging and then he, when I
24 would make, when he would see me looking at him, he'd look down and it
25 seemed like he wasn't right.

1 EE: Let me stop you there for a second. Can you go into a little more depth about
2 that then, the sword, where the sword was hanging and him looking up?
3 [REDACTED]: The sword was hanging, um, right to the, ah, outside the stairwell that goes up.
4 There was a plant there and it was hanging on a wall, um, just with a couple ah,
5 drywall screws holding it up underneath the, the thing on the handle.
6 EE: So you're actually observing him looking at the, in that general area?
7 [REDACTED]: Yes, it was, if you, um, look at the diagram where the stairs are, it was right
8 outside the stairs, where it was right on the other side of this wall where I was.
9 EE: Ok, and that, and that, him looking at that location was before you went up to go
10 to the bathroom?
11 [REDACTED]: Yes, Sir.
12 EE: Ok. I'm sorry to interrupt, proceed.
13 [REDACTED]: Um, he asked to go to the bathroom and um, we ah, special, FBI goes up first
14 and he goes up and then I'm behind and it has an open half wall at the top of the
15 stairs so he goes over to the bathroom and he, he's walking toward the bathroom
16 extremely slow and I'm up at the top, like halfway the stairs where I can, I can
17 see right over and he goes into the bathroom and I make a (whistle sound) like a
18 whistle to FBI. He looks at me and I, I make a hand motion with my eyes
19 because ah, his movements, was just seemed slow and methodical. Then I
20 observed him go to the ah, toilet and begin to urinate and then, this was the only
21 time I had gone in the bathroom, so I hadn't seen with it before but I saw him
22 take the water and it was very slow and he would just break his hand like this and
23 he would let it drip over his, well I believe it was hitting his penis and he did it like
24 three times, like that slow and we just kept watching and that's when it went, my
25

1 senses was very heightened at that point because I wasn't sure what was going
2 on.

3 EE: He was acting strangely?

4 [REDACTED] Yes, Sir.

5 EE: In your, in your years of experience in dealing with violent felons and people on
6 the road, that's ah, these are all indications to you that maybe what?

7 [REDACTED] It...my indication was that we should be on heightened awareness because of
8 his demeanor had changed ah, where things were, I saw him looking around and
9 now, he's moving extremely slow, um, as if he's calculating in his mind. I, this is
10 just my presump...my, my training and experience had me alert, um, to let the
11 other people know what I was thinking.

12 EE: And he had been looking in the general location of the sword, before he walked
13 upstairs?

14 [REDACTED] Yes, Sir.

15 EE: And, and was acting in this manner.

16 [REDACTED] Yes, Sir.

17 EE: Ok. What happened then?

18 [REDACTED] So, we ah, he finishes and then we begin to walk down the stairs and he walks
19 extremely slow and...

20 EE: Who's, how, how is everybody moving...

21 [REDACTED] I'm in, I'm in the front, going down the stairs, so FBI lets him go and then he
22 starts to come down the stairs and I'm turned sideways, watching him come
23 down the stairs and FBI is at the top of the stairs, behind him. When he gets
24 down about three steps, four steps and he almost stops and I looked at him and
25 then he just was standing there for a couple split seconds and then he started to,

1 well he started to continue to walk again, I went down the next few steps real
2 quick, run around the corner, grab the sword off the wall and went right to the
3 kitchen area and I stuck it behind a ah, ah, right at the base of the kitchen there
4 was a, a like a tray, ah a cart, you'd call it a cart that was in the hallway there and
5 I tried to put it right there standing upright and stuck it right there.

6 EE: As ridiculous as my next question may seem, why did you opt to do that?

7 [REDACTED]: Because I didn't want him to have any ah, I didn't want him to get the sword. I
8 saw him looking around at it and then his actions by going extremely slow, it, I
9 just ah, I just didn't want to have that in play.

10 EE: At this time, you know that he, you're working on the paperwork to put him in
11 custody for his involvement in a triple murder?

12 [REDACTED]: Yes, Sir.

13 EE: And he's aware of that as well?

14 [REDACTED]: Yes. I, I don't know if he's a-paperwork, I know he, he's under the assumption
15 that he's going to ah, prison for the comments he made.

16 EE: Describe to me after you move the sword, what happens?

17 [REDACTED]: Um, he goes and sits back down. Um, ah, FBI takes up his position, ah, sitting in
18 front of him in the chair and I go back over to the stairs and then that's when I
19 send the text to um, my partner and ah, FBI, that "be on guard, he's in, I see him
20 looking around, gonna go bad" something to that effect.

21 EE: Did this one go (inaudible) when your partner left and the FBI agent took his
22 position, I believe in the chair, can you describe how he was sitting, where the
23 furniture was at that time, if you can remember?

1 ■ Um, I remember that the, the chair on the, the table was pulled out and on front
2 of the mattress, where Todashev was writing on and there was a folding chair,
3 some type of chair that was in front of that where the FBI was sitting.
4 EE: Who, who moved that table? Do you remember?
5 ■ I'm sorry?
6 EE: Who moved that table? Do you remember?
7 ■ I believe my partner had mov...slid it out from the wall when it was time to write
8 the confession.
9 EE: What's Todashev's demeanor now?
10 ■ Um, at that point, um, there was really ah, no ah, no further communication,
11 verbally. He would, I was just ah, had sent the text to those two individuals and I
12 was waiting for the specific sound of his phone to ding so I knew he would get it.
13 EE: So, you're going off non-verbal cues in his activity, in Todashev's activity and
14 mannerism there.
15 ■ Yes, Sir.
16 EE: So he sits back down?
17 ■ He sits back down...
18 EE: Ok.
19 ■ and I send the text and the agent sitting in front of him, and um, I had sent the
20 thing and I had looked over at ah, Todashev and the ah, FBI to, waiting for him
21 to, his phone to go off.
22 EE: Ok.
23 ■ To hear, to hear the ding.
24 EE: What happens next?
25

1 ■: Um, I look back at my phone, cause there was no ding, and then I um, heard a
2 sound, a loud sound, looked over and I saw the table going up in the air and him
3 pushing it forward and going toward...

4 EE: Who pushing it forward?

5 ■: Ah, Todashev. Todashev springing up and there was like a, describe it as a roar
6 or some sound. Table goes up in the air and um, toward the agent.

7 EE: Ok. Let me um, you, what do think the, the sound was? I think you (inaudible)...

8 ■: I don't know if it was, I, I, I presume it was him, him making the noise and then
9 ah...

10 EE: To-Todashev?

11 ■: Todashev, excuse me. Todashev.

12 EE: Ok, and you actually could see the actual act of him...

13 ■: Yes. I, I saw it go...

14 EE: throwing the table and....

15 ■: up in the air...

16 EE: or moving the table?

17 ■: Yes. Yeah.

18 EE: Did you actually see the table strike the ah, FBI agent?

19 ■: I don't recall if I saw it. I saw it in the air, um, and objects were in the air and I
20 don't recall if I physically saw him, it strike him. I just saw it...

21 EE: Ok.

22 ■: In the direction of the, ah, FBI.

23 EE: Understandable. What, what, what, what do you remember occurring next?

24 ■: Ah, I immediately screamed "■■■■!" as loud as I could, because...

25 EE: I'm writing down that time again.

1 [REDACTED] Yelled my ah, I yelled ah, for my partner, ah, his name, verbally and um, saw ah,
2 Todashev go toward ah, the hallway, um, in that little hallway toward the kitchen
3 as if to go toward the door...

4 EE: Is that the hallway where you just put the sword?

5 [REDACTED] Yes, Sir.

6 EE: Ok.

7 [REDACTED] He then took a right and went behind the, into the kitchen where the kitchen sink
8 was...

9 EE: Ok.

10 [REDACTED] he turned toward us, so he was facing us, not looking at us, but he was looking
11 left and right as if he was looking for something.

12 EE: In, once in the kitchen?

13 [REDACTED] Once in the kitchen.

14 EE: And you could see him because that's open over that...

15 [REDACTED] It's open. It's wi-it's a half, half kitchen type thing so I could see, could see him
16 looking left and right.

17 EE: Ok, and what are you doing at this time?

18 [REDACTED] I'm on the other side. I don't ah, at this point, I don't have eye contact with ah,
19 FBI.

20 EE: Do you believe that Mr. Todashev was looking for that sword that you had
21 moved? Do you think he saw you put that over in that general area or, I'm, I'm,
22 I'm not asking you to speculate there, but how much of that, how much of that did
23 he actually see, you think? You, you move that sword?

24 [REDACTED] I be-I believe he saw it. He had a um, mirror that was ah, positioned at an angle
25 at the base of the stairs in that apartment and it was ah, where you could see, I

1 would presume you would put it there if somebody were to come into your house
2 and knock, you could look down the stairs and see who it was. Um, in my
3 opinion, he saw me take it off the wall and ah, and put it in that general area.

4 **EE:** What, what's your impression then of his activities in the kitchen, while you were
5 watching him, what do you think he was doing?

6 **[REDACTED]:** I believed he was looking for it, or a weapon of some sort, because he looked left
7 and right.

8 **EE:** What happens next?

9 **[REDACTED]:** Ah, he doesn't ah, he goes back toward the door.

10 **EE:** Did he ever make an effort to try to leave through that door?

11 **[REDACTED]:** No, Sir.

12 **EE:** Ok.

13 **[REDACTED]:** And he went to the corner of the door, where ah, depending on which side, I'm
14 not sure which way the door is hinged, but I believe it would be the hinged side of
15 the door and there was a red ah, five foot ah, pole, stick, or something that was
16 propped up in the corner and he grabbed the, went right to the thing, turned
17 immediately, stuck it above (inaudible) his ah, with two hands above his thing like
18 a javelin or like a, that, and started to charge at me.

19 **EE:** Ok. What happens next?

20 **[REDACTED]:** I put my arm up, turned to the right, my body and then a burst of shots came in
21 from my right side.

22 **EE:** How far away from Todashev were you at that time?

23 **[REDACTED]:** Um, on the initial one, not as close as here, maybe ah, maybe ten feet, maybe.

24 **EE:** Ok.

25 **[REDACTED]:** Yeah.

1 **EE:** Did you ever, ever make any contact with him or the, the broom handle or any...

2 **█** No.

3 **EE:** Ok.

4 **█** He had the broom handle up and he began to run at me, I put my arm up, went to

5 the right, and the sh-burst of shots came in um, and I observed Todashev, his

6 body um, went like this, after the impact, like he was hit in the torso...

7 **EE:** Umm...hmm.

8 **█** I saw him go the two times, I saw, I'm not, I don't know if it was left-right or right-

9 left, but I was observing his body go boom, boom.

10 **EE:** But his upper torso twisted?

11 **█** His twisted, it twisted and he was, he was hit, um, in the, ah, the torso area.

12 **JA:** Eric, before you move on, can you have, have the, ah witness, sort of describe in

13 words the position of the arms? We can see it here, but I'm not sure it's going to

14 be reflected. Ah, that is initially, before the first shot hit, um, you know right arm

15 here, left arm here. Just describe that for us.

16 **EE:** Certainly. As you, as you do this action here again, what you just showed us in

17 the room, if you don't mind getting in that same position and then verbally

18 explaining what it is, is going on? Where your arms are and...

19 **█** Um...

20 **EE:** where his arms are rather.

21 **█** I observed ah, Todashev grab the red um pole, turn to me ah, immediately, hold

22 it up above his arms and I don't know if it was left hand in front of right or right

23 hand and left front, but he came from, it was on his, over his right shoulder, so...

24 **EE:** The, the, the broom handle was over his...

25

1 ■: The broom handle was over his right shoulder, in the air in a position as if um, if it
2 came and struck, it would impale someone.

3 EE: Ok.

4 ■: And I, as he came running toward me, I put my left arm up in the air...

5 EE: And why is that?

6 ■: in case he continued to, ah, in case, I put my left arm to protect myself from ah,
7 from being impaled by that object.

8 EE: Ok. So...

9 JA: Let me, let me interrupt for a second, just, if I can describe it and officer tell me if
10 (inaudible) right. You, you had your, your left um, arm up, not like where your
11 elbow to the level of the shoulder, but almost to the shoulder and the right arm a
12 little bit higher. That's, that's sort of the, the position you're describing, right?

13 ■: Yes, Sir. Yes, Sir.

14 JA: Ok.

15 ■: Over, over....

16 JA: I just wanted to get...

17 ■: Yes, over ah, over his....

18 EE: Similar to the hip shooting drills we all had in the academy where you're raising
19 the, to protect against the threat? I just aged myself, probably, but...

20 JA: (laughs)

21 ■: No, they still do that.

22 EE: Oh, do they?

23 ■: Yeah (laughs).

24 EE: Similar to that?

25 ■: My, my, my....

1 EE: A counter maneuver?
2 [REDACTED] Yeah.
3 EE: A counter block?
4 [REDACTED] Yes, that, that was, my arm went up in that position, yes, Sir.
5 EE: Ok.
6 JA: And then, you, you were also motioning, kind of describing what his body did
7 after the first shot.
8 [REDACTED] Yes.
9 JA: And again and we'll try to put it in words for the record.
10 [REDACTED] I observed, I heard ah, gunshots and as I was facing Todashev I observed his
11 body to make a motion that appeared that he was struck in the torso. As his
12 body twisted left and right or right-left, it twisted two times. I watched him, from
13 the impact of the shots.
14 EE: Ok.
15 JA: Now, did, did his arms come down at all in reaction the first shot? In other words,
16 did his, his elbows come down closer to the body or, or did, or did you just
17 not...it's understandable in that circumstance why you might not have...
18 [REDACTED] Yeah.
19 JA: observed that, but...(inaudible)
20 EE: If you can recall something like that.
21 [REDACTED] I observed, after the impact of the shots to his torso, him come down to his hands
22 and knees, ah...
23 EE: I can't hear you.
24 [REDACTED] He came down to his hands and knees, and then immediately sprung right back
25 up.

1 EE: When he, when you say he came down to his hands and knees, well let, let, let's
2 go back a little bit. I think was what Jeff's trying to get at. Now he, was there
3 anything um, visibly obvious, a reaction to his, to him being struck with those
4 rounds, other than the twisting? Was there...

5 [REDACTED]: Um, well, visibly obvious was ah, how do I word this correctly, I didn't, I didn't,
6 obviously cannot see a bullet go into someone, but I could see the actions of
7 what the impact was making. His body twisted left to right or right-left. It twisted
8 twice from the shots and then he began to go down, in a downward motion
9 and....

10 EE: Now when, when you say he went to go down, he's still in possession of the, of
11 the, ah, broom handle?

12 [REDACTED]: He still had the possession of the broom handle on the way down...

13 EE: Ok.

14 [REDACTED]: and then he went down to his knees and then wasn't even a second came right
15 back up.

16 EE: And you're still in close proximity.

17 [REDACTED]: I'm still in close, he's actually even a little bit closer at this time. Yes.

18 EE: Ok. What happens then?

19 [REDACTED]: Um....

20 EE: We'll let me, let, let's dissect that, if you can remember and if not, I know it's been
21 a long time, but did both of his knees go to the ground, that you...

22 [REDACTED]: I can't recall that.

23 EE: You can't recall?

24 [REDACTED]: Yeah.

25

1 EE: Ok, and you say hands and knees...did both of his hands go to the floor, or
2 you...
3 [REDACTED]: I can't recall if it was....
4 EE: or more of a football type....
5 [REDACTED]: I can, I can safely say he went down to the ground and sprung back up. I can't
6 tell you um, if it was both hands, four leg, four ah, you know...
7 EE: Continuing his, ah, an aggressive posture?
8 [REDACTED]: Yes, Sir.
9 EE: Ok. What happens next?
10 [REDACTED]: He springs back up and then immediately there's a second burst of gun fire and
11 then he falls forward. He begins to fall forward and then to the ground and then
12 that's where he ah, finally rested.
13 EE: Ok. What happened then?
14 [REDACTED]: Um, I heard, immediately heard ah, FBI yell, "Call 911!" and then um, partner and
15 [REDACTED] were at the door. I ah, yelled to them that it was clear to come in. I turned
16 to ah, over to FBI and could see blood was profusely running down his head and
17 onto his clothing and I had um ah, limited hearing out of my right side. I checked
18 myself to make sure that I hadn't been hit and I went over to FBI and immediately
19 applied pressure to the left rear or ah, of the skull where he had a large
20 laceration.
21 EE: Limited hearing.
22 JA: Eric?
23 EE: Yeah?
24 JA: When we get, before we move on, I have a couple more questions about the, ah,
25 shoot, shots themselves. Sir, to the best of, of your ability, can you tell me what

1 um, Todashev's ah, ah, position was when the second volley of shots/ In other
2 words, ah, standing straight up, completely prone, somewhere in between? As,
3 as best you can.

4 **EE:** Basically what, he, the, the action that we all witnessed you in the room do, can
5 you verbally describe that?

6 [REDACTED]: The way I can describe it is that when he went down and immediately sprung
7 back up, he was coming toward us and um, how do I say, um, not run, not
8 running straight at ah, more, more of a coming up at an angle. Coming up at an
9 angle toward us.

10 **EE:** Do you ever wrestle?

11 **JA:** So, ba-...

12 [REDACTED]: Ah, just with my brothers.

13 **EE:** Like a double leg take down?

14 [REDACTED]: A double leg...(laughs).

15 **EE:** Coming at you in a double leg takedown?

16 [REDACTED]: Yes, yes. That would be a, that would be a, it was, it was not a straight up thing,
17 it was coming in at an angle and down and up.

18 **EE:** Almost like a fighter would?

19 [REDACTED]: Exactly.

20 **JA:** So you're, you're basically describing sort of a, a forty five degree angle coming
21 from the ground up toward you guys?

22 [REDACTED]: Yes, Sir.

23 **JA:** Something like that?

24 [REDACTED]: Yes, Sir. Yes, Sir.

25

1 **JA:** Ok, and did you at that point have sense of where the FBI agent was, whether he
2 had moved closer to you, ah, first set and the second set of shots.

3 **[REDACTED]:** There, there was no time to move. It, it was that quick. Um, it, I mean I can't, I
4 can't, I didn't see it. I can only tell you that he was...

5 **JA:** You didn't know.

6 **[REDACTED]:** Behind me to my right, but it was... I was focused on him. I wasn't focused on
7 what was behind me.

8 **JA:** Of course. I didn't know if the...

9 **[REDACTED]:** Yes.

10 **JA:** sound of the, the difference in the sound of the shots that might have...

11 **[REDACTED]:** No, I don't believe so...

12 **JA:** (inaudible)

13 **[REDACTED]:** Yes.

14 **JA:** Ok. Thank you.

15 **[REDACTED]:** Thank you.

16 **EE:** And I know I've read the reports, but can you articulate for me the, the actions of
17 Mr. Todashev ah, did they place you in fear for your life?

18 **[REDACTED]:** Yes, Sir.

19 **EE:** Can you tell me about that? Can you describe that to me?

20 **[REDACTED]:** Well, um, he picked up that weapon and came at me, I described it as something
21 you'd see in a movie, it was extremely fast and I moved to the right and if FBI
22 hadn't have taken their actions of, of ah, using force to put, to, to incapacitate
23 the, the threat, there might be a different story. I know it would be, because he
24 was a trained individual and there was no question in my mind that as fast as it
25 happened, he had chances to flee as I stated in my initial statement. He didn't

1 take a chance to go out the open door. He didn't take a chance to go out the
2 front door and then go back at it again. He chose to get a weapon, ah, I guess,
3 um, how do I say it, um, there's no question in my mind that if he had gotten a
4 weapon from us or if it hadn't turned out the way, we might not be here today.

5 **EE:** Jeff, do you have anything else?

6 **JA:** Very briefly. Ah, were you armed at that, at the apartment then?

7 **█:** Yes, Sir.

8 **JA:** And were you um, it were not um, breaching any secrecy that you need, where
9 do keep your weapon?

10 **UK:** Excuse me, I just need to, on him?

11 **JA:** If, if it....

12 **RR:** Ok.

13 **JA:** Yeah, yeah and if it's an issue that you need to keep secret, I understand, you
14 could be more general but do you keep it, you know, on your hip? Where, where
15 do you keep your gun?

16 **█:** In a holster...

17 **JA:** Where did you have your gun?

18 **█:** In a holster on a hip.

19 **JA:** Ok, and obviously you did not pull your gun?

20 **█:** No, I had, I had pulled my weapon and then went back down because he was
21 attempting, ah, my opinion was attempting to flee out the front door and then
22 that's when I went back down and then that's where he caught me in the, the, I
23 call it the little tunnel there, the, by the thing and came at me...

24 **JA:** Ok.

25

1 ■ ah, in close proximity where FBI um, took the action, was in the position to take
2 the action.

3 EE: So is it fair to say...

4 JA: So you...

5 EE: Go ahead, I'm sorry.

6 JA: Yeah, so you, did you actually get, did you clear the holster completely and then
7 re-holster or....

8 ■ It went...

9 JA: (inaudible)

10 ■ it went down, we were in close proximity, went down and then after the first burst,
11 came back up and then...

12 JA: Ok.

13 ■ but it already had the second burst had taken place.

14 JA: Ok. So you didn't get any shots off because you were....

15 ■ No, Sir.

16 JA: sort of...(inaudible). Ok, alright, that um, the, ah, this, I, I mean, it's pretty
17 obvious from what you've said but let me just ask it directly. Um, what was the
18 reason that you stopped recording on your phone?

19 ■ The reason I stopped recording on the phone was, at that point, I had used the
20 phone as a back-up, which as I stated earlier, there was not really a plan to
21 record cause, if I had thought about it in hindsight, I could have used the high
22 definition phone the whole time and I wouldn't have had an issue. It was on the
23 cuff...

24 JA: Yeah.

25

1 [REDACTED] I, and when he was just writing, I needed to check, because periodically I had
2 checked in with the District Attorney to let them know and also seek advisement
3 of what they wanted us to do. At that point, I stopped the recording, picked up
4 the phone and seen that the text message had come in from the District Attorney,
5 telling us not to lock him up until they had gotten a warrant. I displayed that to
6 FBI, so we both were on the same page of what we were trying to do and then
7 um, begin to text and check to see if I had any pertinent things so it wasn't
8 recording at that time.

9 EE: So your phone was a necessary tool. You needed it to communicate, versus a
10 recording, so you had opt one or the other and you picked the one that would
11 necessitated for that time period?

12 [REDACTED] Yes, Sir.

13 JA: Yep, the only other question I had...my understanding was that at some point,
14 there was another individual there, a friend of Todashev's...was he there when
15 you first arrived or did he arrive while you were there?

16 [REDACTED]: He was there, I believe they came in the car together. Um, introduced myself to
17 him ah, we introduced ourselves. He was outside during the interview with [REDACTED]
18 and then at some point I had told [REDACTED] to tell him he can take off because or to
19 make, you know, tell him to, if he doesn't want to hang around, but don't tell him
20 that he's coming with us afterwards, but ah....

21 JA: Ok.

22 [REDACTED]: he was outside. He never came into the ah, he was out in the parking lot and
23 then I gu, think, believe he left, to go get something and then came back after.
24
25

1 **JA:** It was my understanding that at some point Todachev's, I think maybe, cell
2 phone and wallet were with the friend outside. How did that occur or is that
3 correct?
4 **[REDACTED]:** I don't re-
5 **JA:** If you don't know.
6 **[REDACTED]:** I don't, I don't recall. I don't recall the, I don't recall that, Sir.
7 **JA:** That's fine.
8 **EE:** I've got an answer to that one. Um...
9 **JA:** Ok, well that was all I had.
10 **[REDACTED]:** Ok.
11 **EE:** It's fair to say, due to the fact that the attorney was instructing you not to make a
12 physical arrest at that point in time and he was writing a confession is why he
13 wasn't immediately put into handcuffs, or put into handcuffs for that period of
14 time....
15 **[REDACTED]:** Yes, Sir.
16 **EE:** while he was still, had motion.
17 **[REDACTED]:** Yes, Sir.
18 **EE:** Ok, where as in normal circ-circumstances we probably would have entertained
19 securing him much sooner, however, you had outside influences, telling you not
20 to do so?
21 **[REDACTED]:** Yes, Sir.
22 **EE:** Raise your right hand for me. Do you swear that every....
23 **BK:** Wait a sec....
24 **EE:** Oh...
25

1 **UK:** Um, as per our agreement, I said I wouldn't ask, if I had anything I'd discuss it
2 with you and was gonna write...
3 **UK:** Let's go outside....
4 **UK:** Let's go outside.
5 **UK:** There's one question I had.
6 **EE:** It's ah, five minutes after.
7 **UK:** Yeah, it won't take but a second here.
8 **JA:** Ok. Let's take a quick break.
9 **EE:** Let's just go...
10 **UK:** Well we don't really need a break, (inaudible) is still running.
11 **JA:** Ok, I'm, I'm going to take a quick comfort break. I'll be right back.
12 **EE:** Just for the record.
13 **UK:** What's a comfort break?
14 **UK:** (inaudible) at um, 1224. I don't know if you guys caught that. (inaudible) part his
15 last name. 1224 pm...
16 **EE:** I'll listen to it all again anyway, so, we'll be, I think there was four times here.
17 **(inaudible conversation in the background for several seconds)**
18 **JA:** Alright, I'm back.
19 **EE:** Alright, after a quick break to speak with your rep, where are we at? Did...
20 **RR:** (inaudible) ask the question.
21 **BK:** Yeah, just one question and I recognize that you told us you, you had put your
22 gun back down again. If you had had your gun in a position as Todashev was
23 charging at you with the pole, so that you could have fired at him, ah, would you
24 have felt it was necessary to shoot him to protect yourself and the oth-and the
25 agent?

1 [REDACTED]: Absolutely, yes, without question.

2 UK: Ok, thank you.

3 EE: Can you raise your right hand for me? Do you swear all the information you gave
4 today was true?

5 [REDACTED]: Yes, Sir.

6 EE: Thank you for your time and it's currently, what, seven minutes after, same
7 individuals in the room.

8 JA: One last thing I, I'd just like to say thank very much for, for giving us this
9 voluntary statement. It's going to make it much easier for us to resolve this case,
10 so thank you.

11 [REDACTED]: Thank you, Sir.

12 JA: Thank you.

13

14 End of recorded statement.

15

16 I have / have not reviewed this transcription for accuracy.

17 Signed this 18 day of November, 2013

18

Wm. Eric Edwards

19

CHIEF INVESTIGATOR ERIC EDWARDS, STATE ATTORNEY'S OFFICE

20

21

22

23

24

25

1 RECORDED TRANSCRIPT OF TROOPER [REDACTED]

2 INTERVIEW CONDUCTED BY CHIEF INVESTIGATOR ERIC EDWARDS

3 CASE NUMBER – 48-2013-UF-000014

4 EE – CHIEF INVESTIGATOR ERIC EDWARDS

5 [REDACTED] – TROOPER [REDACTED]

6 UK – UNKNOWN PERSON(S) SPEAKING

7 JA – STATE ATTORNEY JEFF ASHTON

8 RR – ATTORNEY RICHARD RAFFERTY

9 BK – ATTORNEY BARRY KOWALSKI (DOJ)

10 [REDACTED] – INSPECTOR [REDACTED] (FBI)

11 [REDACTED] – SUPERVISORY SPECIAL AGENT [REDACTED] (FBI)

12 EE: Today's date is September 6, 2013. It's approximately 1125 am. My name is
13 Eric Edwards. I am the Chief of Investigations of the State Attorney's Office,
14 Ninth Circuit in Orlando, Florida. Ah, we are today at 11 Beacon Street, Suite
15 700, is that correct?

16 UK: Yes, Sir.

17 EE: In Boston Massachusetts, um reference the collection of a witness statement for
18 an officer involved use of deadly force that occurred in Orlando on April 22...

19 UK: May.

20 EE: 2013. Our case number is 48203UF000014, um, for the purposes of the
21 recording I would like to have everyone identify themselves in the room. Ah, first
22 and foremost Trooper um, [REDACTED] is it?

23 [REDACTED]: [REDACTED] Sir.

24 EE: [REDACTED] um, can you identify your voice for the recording please?

25 [REDACTED]: My name is [REDACTED]. I'm a trooper with the Massachusetts State Police.

1 **EE:** You may have to speak up a little...

2 **RR:** Attorney Richard Rafferty with (inaudible) for the State Police.

3 **[REDACTED]:** Sergeant [REDACTED] with the State Police Association.

4 **BK:** I'm Barry Kowalski and I'm with the Civil Rights Division of the United States
5 Department of Justice.

6 **EE:** Alright, now we're going to go to the back of the room here.

7 **[REDACTED]:** Ah, Major [REDACTED] Division of Investigative Services, Mass State Police.

8 **[REDACTED]:** Detective Captain [REDACTED] Mass State Police.

9 **[REDACTED]:** Detective Lieutenant [REDACTED] Mass State Police.

10 **[REDACTED]:** Inspector [REDACTED] FBI.

11 **[REDACTED]:** Assistant Inspector [REDACTED] FBI.

12 **[REDACTED]:** Sergeant [REDACTED], ah, Massachusetts State Police, Violent Fugitive
13 Apprehension Section.

14 **EE:** And I'd like to correct one thing before we get started. It was May. Your meeting
15 was the May 21st through, ah 22nd, just to clear up the dates. I apologize.

16 **JA:** For the record, this is Jeff Ashton, State Attorney of the Ninth Judicial Circuit,
17 appearing by um, Skype, by FaceTime, I guess the guys (inaudible).

18 **EE:** Ok, and the um, via Skype, is that what we call it Jeff? Um, Trooper, can you
19 raise your right hand for me?

20 **JA:** Teleconference.

21 **EE:** Do you swear that the information that you give today is going to be true?

22 **[REDACTED]:** I do.

23 **EE:** And, thank you. My understanding is it's freely given and you are completely
24 aware that it's being recorded and that it's a witness statement for the event?

25 **[REDACTED]:** I, I am, and I do, Sir.

1 **EE:** Alright, I provided ya'll a um, I reviewed most of the documents or all of the
2 documents available um, provided by the FBI regarding their on-going
3 investigative efforts. Um, in doing so, and I apologize, a lot of the questions will
4 be redundant, based on things you have already provided to them. Um, our goal
5 here is to collect a sworn, recorded statement for our separate and independent
6 review of the incident. Ok?

7 **█** Ok.

8 **EE:** Um, with that, I'd like to start with, can you tell me a little bit about your history in
9 law enforcement, training and experience, things of that nature?

10 **█** Sure. I ah, originally took employment with the **█** Police
11 Department in **█** as a part-time, ah, patrolman. I, I went to a part-time
12 academy, subsequently worked for a couple of years and get on full time,
13 attending a full time ah, State Police Municipal Academy in **█**. Ah, continued
14 my employment on, in patrol until **█** when I left for a position with the State
15 Police in ah, **█**. I began the State Police Academy, finishing in
16 **█** and ah, worked on the road until ah, **█**, when I entered
17 the ah, **█** out of Middlesex District Attorney's Office.

18 **EE:** In all that training, that's a lengthy um, time as a law enforcement officer. A lot of
19 defensive tactics and things of that nature?

20 **█** Yes, Sir.

21 **EE:** Are you an instructor in any of those?

22 **█** No, sir.

23 **EE:** Ok. Well get right to the topic at hand. You were um, tasked with your um,
24 position with the, the troopers to investigate a certain type of crime. Um, it's my
25

1 understanding from reading those reports, um, which led you to have a contact
2 with an individual by the name of Igebr, Inge, Ibragim?

3 [REDACTED] Ibragim.

4 EE: Todashev?

5 [REDACTED] Todashev. Yes, Sir.

6 EE: Can you tell me about your first contact with him?

7 [REDACTED] Ah, my first contact with him, ah, face to face was on, on the, the evening of ah,
8 May 21st.

9 EE: So you didn't have any participation in the [REDACTED] ah, interviews that are written
10 about in the, at [REDACTED] Headquarters?

11 [REDACTED] Just one where I, I didn't have ah, direct interaction, but I, I observed it and
12 interacted with the ah, agents that were ah, performing the interview.

13 EE: Ok. In that interview, and I, and I want to say this for everyone in the room...I
14 understand that a lot of this is open and on-going, so we can be real brief about
15 what the type of crime was, versus getting into specific facts...

16 [REDACTED] Ok.

17 EE: If you will. Um, at that time, what, what were the types of crimes being
18 investigated?

19 [REDACTED] For, for my purposes specifically, ah, I was looking to see if he had any
20 involvement in the September 11, 20, ah, September 11, 2011, triple homicide in
21 Waltham, Mass.

22 EE: And you had information that, that may, led you to believe that?

23 [REDACTED] It was ah, at that point it was more ah, [REDACTED]
24 [REDACTED] some,
25 some, significant things that kind of put him on the radar, I guess.

1 **EE:** So he was suspect in, in a triple homicide?

2 **█** He was a person of interest. Ah, we didn't have anything concrete at that point,
3 that, that tied him into that homicide.

4 **EE:** And it was a brief contact then on the **█** at **█** Headquarters so you really
5 didn't have any, ah, opportunity to, to develop a rapport with him?

6 **█** I didn't have any direct contact with him on that date at all.

7 **EE:** What was Todashev's um, what you did see on that day, what was his
8 mannerisms and his cooper-cooperation level at **█** Headquarters?

9 **█** He was calm, um, he sat down with them voluntarily at the, at the, ah, PD. He
10 sat down for a, ah, somewhat lengthy interview. I don't, I don't recall the exact
11 amount of time but you could see that, you know, as time moved on, he was, he
12 was getting fatigued by the interview and, and ah, you could tell by some
13 mannerism that he was being evasive about some of the things that they were
14 ah, talking to him about, which obviously we still continued to maintain a, a, as a
15 person of interest.

16 **EE:** In your case?

17 **█** In our case, correct.

18 **EE:** I noticed, um, from reading the reports and, and ah, conducting another
19 interview, that Todashev was originally, when you got additional information
20 leading you to want to come back to Orlando, on, I believe on the 21st, Todashev
21 didn't want to be interviewed again at **█** Headquarters. Do you know why that
22 was?

23 **█** Yeah, he was upset, ah, the last interaction at the prior, the prior, ah, interaction
24 at **█** Police Department, his ah, girlfriend, Tatiana was taken into custody
25 by Immigration officials. He felt that it was connected to the fact that he came in

1 voluntarily to speak with agents and ah, subsequently she was removed and
2 placed in Immigration custody, I, I think he felt slighted about that.

3 **EE:** And that was, now let me, let me say this too and Jeff, chime in on this if you'd
4 like, but I understand that there's some concerns about um, as we go through
5 this and you talk about the main players, law enforcement players that were
6 involved, you can refer to them as the [REDACTED] officer, or your partner, trooper
7 partner or the FBI agent...

8 **[REDACTED]:** Ok.

9 **EE:** that'll, that'll...

10 **UK:** Very good. Thank you.

11 **EE:** That'll do things for us, if, if simplify things if, if there's um an issue that arises
12 later so...

13 **[REDACTED]:** Ok.

14 **EE:** Alright? Um, Jeff, you're ok with that? I'll, I'll assume that means yes.

15 **JA:** That's fine.

16 **EE:** Ok. Now, before you um, in that [REDACTED] and the 21st time frame, was there an
17 opportunity for ya'll to discuss Todashev's, maybe his ah, physical fighting skills
18 or his, can you tell me about that?

19 **[REDACTED]:** Yeah, originally when we had gone down to Orlando and we went with the, our
20 [REDACTED] contacts, ah, they expressed to us some, some incidents that had
21 occurred that they were investigating. Um, while one was an altercation that
22 occurred in a ah parking lot with two individuals where Ibragim personally was
23 physically involved in an altercation with two people and came out of it ahead.
24 Ah, they also ah, explained that they had been to the Martial Arts ah, or the gym
25 that he was training at and ah, that upon interviewing people involved there, that,

1 that ah, and this was the term that these people used, they thought that he might
2 be retarded ah, because of the level of force and, and ah, injuries that he was
3 taking and he wouldn't submit. So a lot of people were reluctant to fight with him,
4 because of that. Ah, we also were aware of another incident they had explained
5 to us where he got into an altercation outside of a hookah bar where he had, ah,
6 subsequently dumped somebody on their head who, who sustained injuries as
7 well, so there was, and this is on top of his MMA fights, which, you can openly
8 see in YouTube and so forth, that we were aware of that he's had numerous
9 physical altercations.

10 EE: Did you view any of those fights before you went down to Orlando or while you
11 were in Orlando...the YouTube videos?

12 ■ Eh, between the time that we first went down and, and the 21st, I had seen
13 videos. Ah, I've also seen the altercation, the video of the altercation in the
14 parking lot with the two individuals um, but ah, so I, I had seen a few fights, yes.

15 EE: So you're operating under the ah, assumption, I guess that Todashev probably
16 had above normal fighting skills?

17 ■ Yes, Sir.

18 EE: And a high tolerance for pain?

19 ■ That was my understanding.

20 EE: And you didn't witness any of these cases personally; these were just review of
21 ah...

22 ■ That's correct.

23 EE: recordings.

24 ■ Yes, Sir.

25

1 **EE:** Ok. Prior to embarking on your mission on the 21st and well dissect that here in a
2 little bit, in a minute. Was that commonly talked about amongst all the
3 investigators involved in the contacts? His fighting skills?

4 **[REDACTED]:** It had been brought up on a few occasions ah, it was expressed to us on a first
5 encounter when, when **[REDACTED]** first encountered him. They, they went in with a
6 ah, elevated level of ah, ah, I don't know if, just, personal protection I guess when
7 they first approached him to bring him in to talk to him. So, he, you know, they
8 had talked about their concerns at that point and, and those are discussions that
9 we had had.

10 **EE:** Ok. Heightened level of awareness that he was um, a good fighter?

11 **[REDACTED]:** Yes, Sir.

12 **EE:** Regarding you contact on the 21st, which led into the 22nd...who coordinated that
13 ah, who was discussing with Mr. Todashev, I'm sorry....

14 **RR:** Ok, we're just gonna, not use names, we're gonna use titles.

15 **EE:** Right.

16 **UK:** Correct?

17 **EE:** Right. Yep.

18 **[REDACTED]:** That would have been our **[REDACTED]** contact.

19 **EE:** Who's thoroughly memorialized in documents, ah, available to us, so I'm, I'm
20 comfortable with that answer. Um, regarding that, was there problems that came
21 up during the course of that ah, those conversations that you were made aware
22 of?

23 **[REDACTED]:** Yeah, he was ah, he advised us that ah, Todashev was reluctant to meet at all,
24 ah, and, you know, he, he was doing his best to try to ah, make him comfortable
25 enough to, to meet with us, you know, he, my understanding was that he was

1 complaining about the situation with Tatiana and that ah, he just felt like, ah, you
2 know, "I came in voluntarily and, and had these discussions and this is what
3 happened, now why would I want to talk to you anymore?" Um, and that was
4 what was being relayed to us.

5 EE: Did, did the contact at the time go into more depth about the fact that he was
6 suspect in the triple homicide or was it...

7 [REDACTED]: No, absolutely not. That wasn't brought up at all.

8 EE: Ok.

9 [REDACTED]: And, and prior to, prior to this, that had never been addressed with him.

10 EE: So he didn't know that that's what ya'll wanted to go talk to him about on the
11 21st?

12 [REDACTED]: That's correct.

13 EE: Ok. Was there additional information that, that made itself available to you
14 between that visit on the [REDACTED] and the 21st, that made you suspect him more
15 or...?

16 [REDACTED]: It was ah, it was more his reluctance to a, a, ah, acknowledge that he was in um,
17 the Boston area in the early, ah, the early week of September. Originally he had
18 put himself outside of ah, outside of Boston area, in August, and [REDACTED]

19 [REDACTED]
20 [REDACTED] and those are the things that we had wanted to
21 approach him on.

22 EE: And these are facts gleaned from those first interviews that were done at [REDACTED]
23 Headquarters?

24 [REDACTED]: It was, yes, I mean, the fact that he was, he had kind of ah, agreed that he was
25 there a little longer than he admitted before and then on top of that, we had

1 developed some, some evidence that suggested that he was in fact, ah, present
2 past when he was admitting.

3 **EE:** Let me, if I may, I, one question that comes to mind there, that being said, the
4 sense of urgency to go back to Orlando on the 21st was, do you remember why
5 that was?

6 **[REDACTED]:** My understanding, he was ah, he was scheduled to travel, just after that. So we
7 needed to do this before he...

8 **EE:** So there was a window of opportunity you didn't want to miss?

9 **[REDACTED]:** It was small. It was a few days after he was schedule to travel is, is my
10 understanding at that point.

11 **EE:** I think that's pertinent. I didn't have that on the...

12 **UK:** Ok, no problem.

13 **EE:** Um, describe Todashev's demeanor once you did make contact with him on the
14 21st.

15 **[REDACTED]:** We met outside his apartment. Ah, he was there with a friend and ah, the four of
16 us initially ah, approached him in the ah, parking lot, introduced ourselves, and
17 ah, asked him if he was willing to speak to us separately and he brought us into
18 his apartment.

19 **EE:** How many people went into the apartment?

20 **[REDACTED]:** It was myself, ah....

21 **EE:** And again, let me reiterate, just the titles are fine.

22 **[REDACTED]:** Yep, ah the ah FBI agent, ah, with us from Boston and ah, the other State
23 Trooper.

24 **EE:** And there was ah, one, one, one additional that remained outside?

25 **[REDACTED]:** That's correct. The [REDACTED] contact remained outside.

1 EE: Was there a, a tactical consideration there, ah, for that?

2 [REDACTED] So when it became apparent that he was not going to meet us at [REDACTED] Police
3 Department, ah, our initial plan was to have a two person interview. Ah, just, it's
4 a more comfortable setting for the person, just, you're speaking to and ah, we
5 didn't want to show intimidation. We wanted to have a nice, friendly
6 conversation. When it became apparent that he was not willing to meet with us
7 at [REDACTED] and would only meet with us at, in the apartment under his, under his
8 ah, that was his, his decision, and his conditions then we ah, we wanted to make
9 it as secure of a situation for all of us and collectively agreed that we should have
10 three people present in, inside for safety reasons.

11 EE: Ok. So your, your original intent was to do a sterile type environment interview,
12 controlled interview at [REDACTED] Headquarters, but that quickly changed for you.

13 [REDACTED] That's correct.

14 EE: Ok. Um, when you, when you met Todashev in, in his parking lot and he
15 consented or allowed ya'll into his apartment or his girlfriend's apartment, I
16 understand from reading. Is that correct? Um, or we don't, we're not really sure
17 who's apartment it was?

18 [REDACTED] It was neither of theirs apartment. They were staying there, is, is ah, is my
19 understanding now.

20 EE: Your impression from doing investigations for a long period of time was it was a
21 consensual encounter? A consensual interview?

22 [REDACTED] Absolutely.

23 EE: Ok. Did Todashev ever ask you to leave the apartment?

24 [REDACTED] Never.

25

1 **EE:** I know that this question is gonna come up several times because as this
2 interview evolves, can you please describe Todashev's demeanor once you first
3 started the interview inside the apartment?
4 **[REDACTED]:** The interview to begin with was ah, it was real, real cordial, real relaxed. It never
5 ah, it never got elevated but the ah questions that we began with were real ah,
6 real easy to, (inaudible), real easy and not confrontational. They were real easy
7 to understand and, and real easy for him to express to us, basically ah, when he
8 came to the country, who he lived here with, when you traveled, how did you
9 travel and when did you travel, where did you travel, real basic questions. A lot
10 of questions that he'd been asked before, but we were just, we were just trying to
11 ah, fill in some blanks and, and tie up loose ends and that aspect.
12 **EE:** Something comes to mind there. I noticed ah, we'll and we'll get to this in a
13 minute.
14 **RR:** I understand a lot of things can come to mind, but we, we, I don't mind maybe
15 quick....
16 **EE:** I'm gonna jump ahead is basically what it's gonna be. The...
17 **RR:** Ok, because we...I want to stay as focused as we can. Ok.
18 **EE:** Yeah.
19 **RR:** So we're gonna jump? Where we jumping to?
20 **EE:** It's gonna , it's gonna be regarding the recordings, we'll get to shortly, cause your
21 intention was to record those interviews at [REDACTED] I would assume?
22 **[REDACTED]:** My understanding...
23 **RR:** I, it's, I'm trying to clear this. I'm not trying to ah, interfere with this too much.
24 Um, are we going to get to those questions anyway or....
25

1 **EE:** Yeah, we're going to get to them anyway, but here would be a, a good point. My,
2 my, my...I viewed the recordings...

3 **RR:** Yep.

4 **EE:** I viewed the interview that portions. At that point in time, what I want to get to is,
5 it appeared that Todashev wasn't being forthright with some of the answers,
6 however he remained calm and, and that would be an extension of my question
7 about what was his demeanor.

8 **RR:** Ok, so we'll jump to the question, where is that question?

9 **EE:** How was the recordings planned?

10 **RR:** Page two?

11 **EE:** Yeah.

12 **UK:** Ok.

13 **EE:** Let me go back...

14 **RR:** Thanks.

15 **EE:** here to his demeanor at that point. It appeared that, it appeared to me when I
16 viewed those things that he wasn't being forthright with some of the answers and
17 yet, he remained calm. Was that your perception of it?

18 **█** That's correct.

19 **EE:** Ok. So he had a calmness, and aware of his surroundings and really wasn't
20 intimidated by your presence, was my perception of what I watched.

21 **█** No, there was no, it didn't, it didn't get elevated at all. It was, it was a
22 conversation.

23 **EE:** Ok. Now we did get to a point though, when I review those, that you advised him
24 of his rights, um, according to Miranda. Did he have obvious signs of his
25 demeanor changing at that point in time?

1 ■: There was a point, prior to that where I advised him that are focus was in fact the
2 2011 incident, and, ah, he stopped and paused and kind of shook his head and
3 repeated that this is what we were here for and I think at that point on, there was
4 a, a, a bit of a change, but nothing, no, no level of elevation. He just, he
5 understood that, you know, this is not about where I lived and...

6 EE: So the severity of the contact, it appeared may, maybe changed?

7 ■: I, I ...

8 EE: In his eyes?

9 ■: believe so.

10 EE: And it remained the same number of individuals in the room?

11 ■: Yes.

12 EE: Um, at what point in time, and I know that was a lengthy interview, or lengthy
13 contact, what point in time did you establish probably cause for his involvement
14 in that triple murder?

15 ■: When he....

16 EE: And, and roughly. I, I know....

17 ■: I don't know, time-wise, I couldn't tell ya the, the time. It was, it was probable an
18 hou-couple hours into it. It was ah, it wasn't until he started to make comments
19 referencing the fact that, you know, ah, how much jail time would I get or I never
20 killed anybody and, and that's when we, we stopped him, you know, at that point
21 prior to him going in and making any statements.

22 EE: Clearly a defined time, changing him from a possible suspect to clearly a
23 suspect...

24 ■: Correct.

25 EE: in, involved in a triple murder.

1 ■: Correct.

2 EE: Regarding that, I know, from looking at it, there's bits and pieces and chopped
3 up, ah, interview recordings or a video as well. Um, how was that planned?

4 ■: Ah, it wasn't. It wasn't really planned. Ah, initially, and all along, we assumed it
5 was going to happen at ■ PD. It was kind of last minute, ok, he's not
6 coming into ■. What are, what are some of the things that are going to
7 change? And like I mentioned earlier, the safety aspect is definitely a factor,
8 because we're at his home environment. That, that's not ideal. Ah, and ah, we
9 have the person, but in, another additional thought at that point was, "Well we're
10 not going to be able to record, you know, we're not going to have the recording
11 capabilities that are provided inside an interview room and ah, there was a
12 comment about, I, I, had a, you know, I have a, a, recorder similar to yours ah,
13 and ah, the other ah, Massachusetts agent ah, Trooper had mentioned that he
14 had a recording device, (inaudible) as well. It wasn't really in-depth conversation
15 at that point about who was going to record, how are we going to record. We
16 really didn't prepare for that. You know...

17 EE: So you were doing the best you could at the time, on the equipment that you
18 had?

19 ■: That's correct.

20 EE: And I, I, I'm looking at the length of time on the one recording. I think it was an
21 audio recording with one hour, 53 minutes and 48 seconds in length. Um, why
22 only that period of time, versus the entire length of time?

23 ■: The um, my recorder died. It ah, shut off and I, I think there was another part, I
24 may have went to pause it, inside my pocket and then restart it when he came
25 down from the bathroom, I think is maybe when I paused it. Ah, I don't recall, but

1 ah, I tried to turn it back on and it died again. I didn't realize it was not working,
2 until after everything was said and done and realized it had...

3 EE: The normal things that go wrong when you don't want them to?

4 [REDACTED]: Yes, Sir.

5 EE: On the ah, other trooper's phone information or recorder information, Mr.
6 Todashev is captured in an image, in a video, sitting approximately 2352 hours,
7 sitting next to an open slider, smoking a cigarette and um, I even go back, I want
8 to say 17 minutes and 29 seconds into the recorded interview, Todashev even
9 asked if he could shut the door. Um, did Todashev ever appear as if he wanted
10 to escape or exit through any of those ingress and egress points?

11 [REDACTED]: No, he was sitting by that door, frequently, throughout that evening and ah, it was
12 just a screen, often, and he never, ah, never made any indication to me that he
13 wanted to leave through the door.

14 EE: Ok. So though he had opportunity to take flight, if, if he chose to do so, he opted
15 not to.

16 [REDACTED]: That's correct.

17 EE: There was a point in time where you um, had to leave the apartment to call an
18 attorney, I believe?

19 [REDACTED]: The ah, Assistant District Attorney.

20 EE: I'm sorry?

21 [REDACTED]: The Assistant District Attorney...

22 EE: Ok.

23 [REDACTED]: who was a working the case.

24 EE: That was so a courts, from what I read, to communicate the fact, that probable
25 cause was established and work out the paperwork aspect?

1 ■ That's correct.

2 EE: When you left, can you describe, in the room, just verbally...I know you've looked
3 at photographs and written this on, on documents that has been provided to me,
4 but what was the position of the chair that you were sitting in, and the table, ah,
5 in relation to where Todashev was?

6 ■ So, throughout the, ah, the interview, the table was up against the wall. But
7 when it, where he was sitting more, the, the table is ah, at the end by the bed,
8 almost like a nightstand, in the position of a nightstand to the bed. But he was
9 sitting more at the foot of the bed, so when he was going to sit and write, we slid
10 the table over so that the table would be in front of him and more accessible to
11 him. The chair, ah, I backed up at that point, but ah, initially throughout the
12 interview, it was, there was nothing between the chair and the ah, the bed.

13 EE: Who, who actually slid the table over?

14 ■ I think I did.

15 EE: Ok. That's something I am unaware of. I have a couple questions that come up
16 with that. Do, do you remember what portion of the table that you grabbed when
17 you slid it over there and moved the table?

18 ■ I honestly don't recall.

19 EE: Ok. No gloves or anything at that time, you were just...

20 ■ No, no.

21 EE: Ok. That explains the ah, positioning of the table, ah, and this was so he could
22 utilize it to write?

23 ■ To, to, I gave a notebook to be able to write and have a, a stable ah, platform.

24 EE: Other items in there I wanted to discuss is when did you first notice the large
25 sword, ah sword that's mentioned in the documents?

1 ■: That was ah, when you came into the apartment, you know, you can do a scan to
2 see what, is around, who's around, if there's anybody else or if there's weapons
3 visible and it was, was hanging on the wall.

4 EE: Something that you kept in mind then?

5 ■: Yes.

6 EE: Or aware of its presence?

7 ■: Yes, Sir.

8 EE: did you ever witness that sword being moved?

9 ■: No, Sir.

10 EE: I think I read, read something here recently and we'll get down to it when we get
11 to the end about your entry when you come back in, but um, um, you later see
12 that sword in a different position, um, we'll talk about that when I ask you about
13 your observations when you entered. Um, when you leave the apartment, can
14 you tell me about the ah, what's occurring outside as your making that phone
15 call?

16 ■: Outside? It was ah, it was myself, ah the ■ contact was outside in the
17 parking lot as well and ah, I mean it was after midnight, it was dark, nothing, not
18 much else going on. Just....

19 EE: How, how, how far from the, the apartment were you, do you thi-roughly?

20 ■: Not far. Ah, I don't know, 15 feet, maybe from the door. If that, ten, fifteen feet
21 probably. Not far, I think I was walking around when I was on the phone, but not
22 very far from the door.

23 EE: Close proximity?

24 ■: Close proximity, yes, Sir.

25

1 EE: Alright. Did you hear noises coming from inside the apartment shortly after you
2 left?

3 [REDACTED]: It was a yeah, I did. Ah...

4 EE: Can you describe those for me or?

5 [REDACTED]: I heard some yelling and then ah, I heard...

6 EE: Anything that you could differentiate one voice from another or just yelling
7 coming from...

8 [REDACTED]: It was yelling. I think I heard my name, um, but it was kind of, you know, the
9 doors were closed, the windows were closed, the air conditioner was on, and, but
10 I thought I heard my name, but I heard some yelling and then ah, shortly
11 thereafter I heard some, some ah, pops, sounded like gunshots.

12 EE: Could you tell who that was that may have yelled your name or?

13 [REDACTED]: I couldn't tell, ah...

14 EE: Ok. Now regarding the, and I know this was quite some time ago, but regarding
15 the shots, do you re-can you describe them any greater than that or just that you
16 remember hearing shots?

17 [REDACTED]: I heard two, two volleys of shots.

18 EE: Not specific numbers, but just the fact that there was two volleys?

19 [REDACTED]: It was, in my mind, I've gone over it a hundred times, I, I, believe it was three and
20 four or four and three. I couldn't, I don't remember hearing two, so I think it was
21 at least three and then four, or four then three. I don't remember exactly what
22 order, but it was more than two, when I heard the shots.

23 EE: So you guys approached the apartment at that time?

24 [REDACTED]: Correct.

25

1 EE: What happens then?
2 [REDACTED]: I get to the door. I ah, paperwork and everything that I had, I kind of discarded. I
3 get to the door, ah, with my weapon drawn ah, I kind of kick the door and
4 announce myself at the same time and went, went inside. I just wanted to make
5 sure when the door opened, I wasn't taking any, I didn't know. I assumed that
6 the shots came from the agents, but wanted to be sure so I wanted make sure
7 they knew I was coming through the door and went inside.
8 EE: And you made entry at that point?
9 [REDACTED]: Correct.
10 EE: Was anyone with you when you made entry at that point?
11 [REDACTED]: The ah, [REDACTED] contact, he was still outside. Um, he came to the door after I
12 had gone through. I don't remember the exact lag time, but initially when I went
13 through the door it was just ah, it was just me and then he came in, behind me at
14 some point.
15 EE: When you were entering, what observations stand out in your mind?
16 [REDACTED]: Ah, I could see Todashev on the floor, ah, with apparent gunshot wounds...
17 EE: I'm sorry, I couldn't hear.
18 [REDACTED]: With apparent gunshot wounds and I saw ah, the FBI agent and the, the, ah
19 trooper, both inside the room. Um, the, ah, it was kind of, he was still in a
20 position with his firearm trained on the, ah, on Todashev. Ah, could still see the
21 smoke coming out of the barrel. Ah, and I could see ah, blood coming down the
22 side of his head.
23 EE: And you, you travelled in deeper into the apartment? You passed Mr.
24 Todashev's...
25 [REDACTED]: Yeah, I, ah....

1 EE: location?

2 [REDACTED]: I kind of looked at him, and to me it was clear that there was no, no sign of life,
3 ah. I, I remember I grabbed a glove off the counter, ah, like a latex dishwashing
4 glove or something to be able to check him after, which I ended up giving to the
5 ah, trooper and then I proceeded to assess the injury on the agent.

6 EE: Ok, you rendered first aid to him and...

7 [REDACTED]: Yeah, he had already started, ah, the other trooper had, had grabbed something
8 to, to kind of put on his head to slow the bleeding, but I proceeded upstairs, after
9 we kind of, the situation was clear, we, ah, the trooper checked him, ah, the,
10 Todashev, ah, no, no pulse and he had sig, significant injuries. Ah, I went
11 upstairs and grabbed a t-shirt; I wanted something clean. I grabbed a t-shirt that
12 was hanging up and ah, brought it down to stick on his head.

13 EE: One of Todashev's or someone? You don't know who it belonged to?

14 [REDACTED]: It was a female's t-shirt; I could tell.

15 EE: Ok. Describe the um, involvement that you had at that point, then in securing the
16 scene.

17 [REDACTED]: Well, we remained inside, ah, we were all downstairs. The [REDACTED] contact had
18 made the call for ah, for ah, first aid and ah, you know, appropriate phone calls
19 and um, I held the t-shirt on, on the agent's head for a while to, to apply pressure.
20 It was bleeding pretty good. Um, everybody kind of showed up and, and we all
21 left.

22 EE: Do you remember who the scene was relieved to or...

23 [REDACTED]: I, honestly, I don't.

24

25

1 EE: Ok. And then somewhere in a document that I read, and I apologize, not adding
2 this to the list, but I think you had mentioned seeing the sword, was maybe in a
3 different location then?

4 [REDACTED]: I did, and when I entered, I, I saw that when I entered and I saw Todashev on
5 the floor, there was like a shoe rack to the left and it was placed behind, between
6 the wall and the shoe rack, kind of wedged in there. I, I could see that at the
7 same time.

8 EE: Was ah, in the manner in which Todashev was in, and this will be probably the
9 last one I have before I ask Jeff, but as far as a weapon, you know in the
10 possession of Mr. Todashev. Do you remember anything along that line?

11 [REDACTED]: Yeah, I saw a red pole coming out from underneath him as well.

12 EE: Ok, and that was upon your entry?

13 [REDACTED]: That was upon my entry, I could see it and as I climbed over him, I could, I kind
14 of didn't take my eyes off of him as I climbed over him, but, ah, I just remember
15 seeing a red pole sticking out from underneath him.

16 EE: And from the period of time from hearing the shots fired in the parking lot til
17 entering the apartment, rough estimate...how long do think that took?

18 [REDACTED]: Seconds.

19 EE: Seconds?

20 [REDACTED]: Seconds. Yeah, it was almost instant.

21 EE: Mr. Ashton, anything else that comes to mind?

22 JA: That's, nothing from me.

23 RR: We're good.

24 EE: Can you raise your hand one more time for me? Do you swear that everything
25 you said today is true?

1 [REDACTED] I do.

2 EE: Thank you for your time.

3 [REDACTED] Sure.

4 EE: And it's ah, five minutes to twelve. Same date, same individuals in the room.

5

6 End of recorded statement.

7

8 *EE*
I have / have not reviewed this transcription for accuracy.

9 Signed this 18 day of November, 2013

10 *Wm. Eric Edwards*

11 CHIEF INVESTIGATOR ERIC EDWARDS/STATE ATTORNEY'S OFFICE

12

13

14

15

16

17

18

19

20

21

22

23

24

25