

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA
PROCEEDINGS BEFORE THE 790TH COUNTY GRAND JURY

In Re the Investigation of:)
)
Nathaniel Benjamin Llanes) No. CR2020-139581-001
Suvarna Ratnam) CR2020-139581-002
Brenda Guadalupe Diaz) CR2020-139581-003
Nathan Jon Aderholdt) CR2020-139581-004
Ryder Collins) CR2020-139581-005
Riley Morgan Behrens) CR2020-139581-006
Christopher Charles Roberson) CR2020-139581-007
Kalixta Noemi Villasaez) CR2020-139581-008
Britney Erica Austin) CR2020-139581-009
Jessica Gibson) CR2020-139581-010
Marysa E. Leyva) CR2020-139581-011
Dominic Berlage Bonelli) CR2020-139581-012
Kaleb Isaiah Martin) CR2020-139581-013
Jacquelyn Alexiz Alcaraz) CR2020-139581-014
Amy Beth Kaper) CR2020-139581-015
) 790 GJ 164

Phoenix, Arizona

October 27, 2020

REPORTER'S TRANSCRIPT OF PROCEEDINGS

ORIGINAL
GJ

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SUPERIOR COURT
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P R O C E E D I N G S

1
2 MR. BAKER: This is 790 GJ 164. The time
3 9:09 a.m. This is the investigation of 15 individuals.
4 They are as follows, the first is Nathaniel Benjamin
5 Llanes; the second is Suvarna Ratnam; next is Brenda
6 Guadalupe, G-U-A-D-A-L-U-P-E, Diaz; the fourth is Nathan
7 Jon, J-O-N, Aderholdt; next is Ryder Collins; next is
8 Riley Morgan, M-O-R-G-A-N, Behrens; next individual is
9 Christopher Charles, C-H-A-R-L-E-S, Roberson; next
10 individual is Kalixta Noemi, N-O-E-M-I, Villasaez; next
11 Britney Erica, E-R-I-C-A, Austin; next individual Jessica
12 Gibson; next is Marysa E. Leyva; next is Dominic Berlage,
13 B-E-R-L-A-G-E, Bonelli; next individual is Kaleb Isiah,
14 I-S-I-A-H, Martin; next person Jacquelyn Alexiz,
15 A-L-E-X-I-Z, Alcaraz, and finally the last individual is
16 Amy Beth, B-E-T-H, Kaper.

17 This investigation involves five alleged
18 matters. The first is riot, second is obstructing a
19 highway or other public thoroughfare, the third is
20 unlawful assembly, the fourth is conspiracy to commit
21 aggravated assault, the fifth is assisting a criminal
22 street gang. And, oh, I've left out the sixth one. The
23 sixth one is resisting arrest. There is actually six
24 matters. Anyone need any of that introductory
25 information repeated?

1 GRAND JUROR [REDACTED]: The charges, please.

2 MR. BAKER: One is riot, two is obstructing
3 a highway or other public thoroughfare, three is unlawful
4 assembly, four is conspiracy to commit aggravated
5 assault, five is assisting a criminal street gang, and
6 then sixth is resisting arrest.

7 It's alleged that all these events occurred
8 on October 17, 2020. I am going to guess we are down in
9 the vicinity of Washington and 7th avenue, is that
10 correct?

11 MS. SPONSEL: That is correct.

12 MR. BAKER: Phoenix, Maricopa County,
13 Arizona.

14 I would advise members of the grand jury
15 that the first five of these matters are alleged as to
16 all 15 individuals. The sixth matter, the resisting
17 arrest is alleged as to Mr. Aderholdt only. The first
18 five is as to all 15. The sixth is to Mr. Aderholdt
19 only.

20 To assist you in determining whether or not
21 probable cause exists in the matter, the following
22 statutes may be appropriate: A.R.S. 13-105 --

23 MS. SPONSEL: Mike, you have a question.

24 GRAND JUROR [REDACTED]: Can you say the first
25 and last name because there is so many.

1 MR. BAKER: I can say them again; I can
2 spell them again.

3 GRAND JUROR [REDACTED]: No, just for that one
4 Ader --

5 MR. BAKER: His name, Nathan, N-A-T-H-A-N,
6 Jon, J-O-N, Aderholdt, A-D-E-R-H-O-L-D-T.

7 Anyone need any of the other names repeated
8 or spelled associated with allegations?

9 GRAND JURY PANEL: (No response.)

10 MR. BAKER: I take it by your silence that
11 there are none.

12 To assist you in determining whether or not
13 probable cause exists in the matter, the following
14 statutes may be appropriate: A.R.S. 13-105; 301 through
15 304 inclusive, those are the accomplice statutes; 1001
16 which is the attempt statute; 1003 which is the
17 conspiracy statute; 1203, 1204 for aggravated assault;
18 2508 for resisting arrest; for riot 2901 and 2903;
19 unlawful assembly is 2902; obstructing a highway or other
20 public thoroughfare, 2906; and then we also have 2301 and
21 2512 that would be for an allegation having to do with
22 hindering prosecution which is relevant to the charge of
23 assisting a criminal street gang.

24 According to Maricopa County Attorney
25 records, the following statutes were read to the members

1 of the grand jury, with all members present, on October
2 6, 2020. These have already been read: 105; 301 through
3 304 inclusive; 1001; 1003; 1203; 1204; 2508; 2301; and
4 2512.

5 According to our records, the following
6 statute has not yet been read to the grand jury:
7 13-2901, 2902, 2903, and 2906. So you probably know what
8 happens now.

9 Since you haven't had these statutes yet, I
10 will be passing out each of them to each of you, and then
11 I will be reading them.

12 13-2901 is, as you've probably guessed by
13 now, definitions for Chapter 29. In this chapter, unless
14 the context otherwise requires:

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

21 It's interesting to know it's not relevant
22 to this investigation. The next one is.

23 2. Quote, public, unquote, means affecting
24 or likely to affect a substantial group of persons.

25 Moving on to 13-2902. Unlawful assembly;

1 classification.

2 A. A person commits unlawful assembly by:

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

6 2. Being present at an assembly of two or
7 more other persons who are engaged in or who have the
8 readily apparently intent to engage in conduct
9 constituting a riot as defined in section 13-2903 and
10 knowingly remaining there and refusing to obey an
11 official order to disburse.

12 B. Unlawful assembly is a Class 1
13 misdemeanor.

14 Moving on to 13-2903. Riot;
15 classification.

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

22 B. Riot is a Class 5 felony.

23 And finally this morning for this
24 presentation 13-2906. Obstructing a highway or other
25 public thoroughfare; classification; definition.

1 A. A person commits obstructing a highway
2 or other public thoroughfare if the person, alone or with
3 other persons, does any of the following:

4 1. Having no legal privilege to do so,
5 recklessly interferes with the passage of any highway or
6 public thoroughfare by creating an unreasonable
7 inconvenience or hazard.

8 2. Intentionally activates a pedestrian
9 signal on a highway or public thoroughfare if the
10 person's reason for activating the signal is to not to cross
11 the highway or public thoroughfare but to do both of the
12 following:

13 (a) Stop of passage of traffic on the
14 highway or public thoroughfare.

15 (b) Solicit a driver for a donation or
16 business.

17 3. After receiving a verbal warning to
18 desist, intentionally interferes with passage on a
19 highway or other public thoroughfare or entrance into a
20 public forum that results in preventing other persons
21 from gaining access to a governmental meeting, a
22 governmental hearing, or political campaign event.

23 B. Obstructing a highway or other public
24 thoroughfare under subsection A, paragraph three of this
25 section is a Class 1 misdemeanor. Obstructing a highway

1 or other public thoroughfare under subsection A,
2 paragraph one or two of this section is a Class 3
3 misdemeanor.

4 C. For the purposes of this section,
5 quote, public forum, unquote, has the same meaning
6 prescribed in section 13 -- excuse me, section 15-1861.

7 So having noted A.R.S. 13-105; 301 through
8 304 inclusive; 1001; 1003; 1203; 1204; 2508; 2301; 2512;
9 having read 13-2901, 2902, 2903, and 2906, is there any
10 members of the grand jury who would like to have any of
11 the statutes re-read or clarified at this time?

12 GRAND JURY PANEL: (No response.)

13 MR. BAKER: I take it by your silence that
14 there are none.

15 The record should reflect that copies of
16 all statutes previously read to the grand jury as well as
17 the ones read today have been provided for your use
18 during this investigation.

19 The name of alleged victims in this matter
20 are, let's start with the State of Arizona by and through
21 the City of Phoenix and then let's go to...

22 MS. SPONSEL: There is none actually listed
23 in the indictment.

24 MR. BAKER: There should be. Here we go.
25 As to alleged Count 6, Matthew Morgan, M-A-T-T-H-E-W,

1 M-O-R-G-A-N; Mario Lozoya, M-A-R-I-O, L-O-Z-O-Y-A;
2 Joseph, J-O-S-E-P-H, Kapla, K-A-P-L-A.

3 Do you have any other potential victims you
4 want me to mention?

5 MS. SPONSEL: Yeah, I can go ahead and
6 mention them.

7 MR. BAKER: Go ahead.

8 MS. SPONSEL: These are all Phoenix
9 officers, Officer William Gates; Sergeant Douglas
10 McBride; Lieutenant Benjamin Moore; Officer John Sticea,
11 S-T-I-C-E-A; Officer Jeffrey Tucker; Officer Christopher
12 Teriano, T-E-R-I-A-N-O; and Sergeant Eric Zopf, Z-O-P-F.

13 MR. BAKER: The witnesses who are here to
14 testify today include Jeffrey, J-E-F-F-R-E-Y, Raymond,
15 R-A-Y-M-O-N-D, number 10170 with the Phoenix Police
16 Department as well as Doug, D-O-U-G, McBride,
17 M-C-B-R-I-D-E, number 6187 with the Phoenix Police
18 Department.

19 The record should reflect the entire grand
20 jury panel is present.

21 Also present in the grand jury room today
22 are deputy county attorney April Sponsel and Andrea
23 Prigmore both duly authorized by Arizona state law to
24 present evidence before this grand jury panel.

25 Ladies and gentlemen, the subject matter of

1 this investigation may have received some attention and
2 exposure in the news media. At this time Ms. Sponsel
3 will give you a brief summary of the investigation.

4 MS. SPONSEL: Back on October 17, 2020, at
5 approximately 7:00 p.m. in the evening, several
6 individuals with an organization known as ACAB, also
7 known as All Cops Are Bastards, met down in downtown
8 Phoenix in order to participate in a riot. These
9 individuals entered into the streets with umbrellas that
10 shielded them from the police officers. They then turned
11 around and threw smoke bombs at the police officers.
12 They then eventually were arrested after throwing
13 barricades and things of that nature into the streets.
14 They disabled one of the police Tahoes when they threw
15 the barricades out into the streets. And then they
16 were -- when they were eventually arrested, one officer
17 in particular along with other officers were assaulted by
18 the individuals because as one of their techniques that
19 the individuals, this group uses, they use their hands to
20 dig their nails into the hands and arms of the police
21 officers to try and get them not to effectuate arrests.

22 MR. BAKER: Is there anyone on the grand
23 jury who has read, heard, or seen anything in the news
24 media regarding this investigation?

25 GRAND JURY PANEL: (No response.)

1 MR. BAKER: I take it by your silence that
2 there are none.

3 I would remind everyone on the grand jury
4 that any decision made by this grand jury in connection
5 with these matters must be based solely upon the evidence
6 presented during this hearing. If at any time during the
7 course of this investigation you realize you have had
8 media exposure that would in any way affect your ability
9 to sit as a fair and impartial juror, please request to
10 be excused.

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

15 Having noted that, let's again note the
16 presence of the entire grand jury.

17 Those admonitions read to you this morning
18 concerning persons disqualified from serving as grand
19 jurors are applicable. Are there any grand jurors to
20 whom those admonitions apply?

21 GRAND JURY PANEL: (No response.)

22 MR. BAKER: I take it by your silence that
23 there are none.

24 GRAND JUROR [REDACTED]: We are about to
25 consider the matter of 790 GJ 164 and the investigation

1 involving individuals named.

2 In connection therewith, it is my duty to
3 state to you that if any member of this grand jury has
4 the state of mind in reference to the above-mentioned
5 matter or to any party interested therein which would
6 prevent the juror from acting impartially and without
7 prejudice to the substantial rights of any party, the
8 juror is directed to retire from the grand jury room at
9 this time.

10 (Whereupon the witness enters the room.)

11

12

JEFFREY RAYMOND,

13 called as a witness herein, having been first duly sworn,

14

was examined and testified as follows:

15

16

E X A M I N A T I O N

17

BY MS. SPONSEL:

18

Q Good morning, Officer, can please just introduce

19

yourself to the members of the grand jury.

20

A My name is Jeffrey Raymond.

21

Q And where do you currently work?

22

A I work for the Phoenix Police Department in the

23

downtown operations unit.

24

Q And how long have you been with the Phoenix

25

Police Department?

1 A Since July 2017.

2 Q And you state that you had worked down in the
3 downtown operations unit. What exactly is that unit?

4 A The downtown operations unit is required -- is
5 responsible for policing, patrolling, and proactive peace
6 keeping in the downtown corridor between 7th Avenue and
7 7th Street approximately Fillmore down to Grant.

8 Q And as part of your job duties in keeping the
9 peace do you sometimes have to arrest individuals and
10 participate in investigations?

11 A Yes.

12 Q Back on October 17, 2020, did you participate in
13 an investigation involving several individuals including
14 Benjamin Llanes, Suvarna Ratnam, and Brenda Diaz along
15 with several other individuals named in this
16 investigation?

17 A Yes.

18 Q And did that investigation approximately start
19 at 7:00 p.m.?

20 A Yes.

21 Q And the location of where this began, where was
22 that at?

23 A It was -- it began at University Park which is
24 located on the north side of Van Buren between 10th and
25 12th Avenue in Phoenix, Arizona, Maricopa County.

1 Q And with regards to this investigation, did you
2 personally participate in this investigation?

3 A I did.

4 Q Were there other officers that participated in
5 this investigation?

6 A Yes.

7 Q Were there reports relating to this case?

8 A Multiple reports, yes.

9 Q Did you have the opportunity to review your
10 report as well as multiple reports for your testimony
11 here in front of the grand jury?

12 A I did.

13 Q Can you explain to the grand jurors, just give
14 them an overview of what happened after these individuals
15 met at University Park?

16 A They assembled at University Park. Shortly
17 thereafter, as a group, they took Van Buren Street,
18 marched eastbound on Van Buren from approximately 10th
19 Avenue. When they got to 7th Avenue, they marched in the
20 street southbound.

21 Q Now when you say that they marched in the
22 street, did they have permission to actually be in the
23 street?

24 A No.

25 Q Were there actual vehicles such as just like

1 regular traffic that was in the area?

2 A Yes.

3 Q Because these individuals walked out into the
4 middle of the street did that impede the ability of
5 people traveling in their vehicles to travel down that
6 roadway?

7 A Yes.

8 Q Go ahead.

9 A From 7th Avenue and Van Buren they marched
10 southbound. In route, they tipped over and threw and
11 stacked various road construction signs. They continued
12 southbound. Once they got to Washington Street, they
13 continued to march eastbound again in the middle of the
14 street. As then continued marching eastbound on
15 Washington from 7th Avenue they clustered together,
16 opened numerous umbrellas thus obscuring individuals
17 within the group.

18 While they were clustered and shielded by the
19 umbrellas, they released at least two smoke bombs. These
20 smoke bombs were deployed by them purposely in an effort
21 to create a visual impediment to the Phoenix Police
22 Department. It made it more difficult for us to identify
23 individuals. It also caused undue danger to the
24 motorists and the fully marked Phoenix police vehicles
25 that were trailing the group. As a result of the smoke

1 bombs, it made it more difficult for us to see, it burned
2 our eyes if we weren't in the cars, and one, at least one
3 of the vehicles, one the fully marked police vehicles
4 inadvertently ran over a construction barricade that they
5 had put in the middle of the street.

6 They continued their march eastbound on
7 Washington Street to Central or thereabouts. And then
8 from there they marched northbound ignoring numerous
9 commands to get out of the street. I could hear the
10 commands from both vehicle PAs and our long-range
11 acoustic device. And my car that I was in was
12 approximately a hundred yards behind the moving group of
13 marchers. The cars that were giving the commands were
14 closer to the group so they could hear the commands and
15 they were purposely disobeyed.

16 Q Now, with regard to the commands being given,
17 when you say that the cars were closest to the group,
18 were any of these individuals in the group reacting,
19 turning around reacting to the commands that were being
20 given?

21 A Yes.

22 Q What were they doing?

23 A They were giving the middle finger to the cars
24 giving the commands and yelling various insults back, F
25 the police, things of that nature.

1 Q And with regards to when you said they were
2 throwing these smoke bombs, were they actually lobbing
3 them directly toward the police cars that were following
4 them?

5 A They were.

6 Q And were there actual -- I know that you said
7 there were officers and police cars, but were there also
8 officers on foot following this group?

9 A Yes.

10 Q And did that create an issue with regard to
11 their visibility to be able to see the group upon
12 throwing the smoke bombs?

13 A It did.

14 Q And the throwing of the smoke bombs, you say
15 that one Tahoe was already disabled, but did that create
16 a risk that other Tahoes could have run into, let's say,
17 maybe other pedestrians on foot or into other cars if
18 they wouldn't have been able to get around the smoke
19 bombs in a quick manner?

20 A Yes.

21 Q So you stated they continued to go down and you
22 were talking about the part where they are giving
23 commands and they are turning around and flipping you
24 guys off and things of that nature. What is happening
25 next?

1 A They continued northbound disrupting any road
2 construction signs and barricades, continued north until
3 they got to Van Buren Street. From Van Buren Street,
4 Lieutenant Moore, the commanding officer on scene, heard
5 them say, heard at least one person in the group of
6 marchers say, they exclaimed, let's take the tracks. And
7 it was at that time that Lieutenant Moore also observed a
8 southbound train, light rail, that was north of Van
9 Buren. So their intention was to take the tracks and
10 disallow that southbound right rail from continuing
11 southbound at Van Buren. This took place at
12 approximately 8:35 p.m.

13 At that point, Lieutenant Moore said everybody
14 is now good for arrest, they've obstructed every street
15 that they've been on, move in, take them into custody.
16 By 8:40 p.m. Lieutenant Moore declared code four, all
17 members of the marching group were in custody safely and
18 uninjured.

19 Q And that's what happened there at Van Buren
20 area?

21 A Van Buren and -- yes.

22 Q I am sorry, Van Buren and what was the cross
23 street?

24 A Central.

25 Q So Central and Van Buren, that's where all the

1 individuals were taken into custody?

2 A Yes. Or could have been Van Buren and 1st
3 Avenue between Central and 1st Avenue.

4 Q And did you participate in these arrests?

5 A I did.

6 Q And when you said that Lieutenant Moore
7 eventually put out over the radio that everybody went
8 into custody, did the individuals give up right away?

9 A They did not. They clustered together in one
10 big group interlocking both legs and arms making it more
11 difficult to take them into custody.

12 Q And did you guys have to continue to give them
13 commands when that was all going on?

14 A Yes.

15 Q And now, were there several videos that were --
16 I am sorry, were there body cams and other video systems
17 that were videotaping this group while a lot of this was
18 going on?

19 A Yes.

20 Q And we are going to talk to Sergeant McBride
21 when he gets in here to testify, but just some
22 clarification questions for you. With regards to these
23 individuals, did officers actually have the opportunity
24 to sit down and speak specifically to two of the
25 individuals about what was going on?

1 A Yes.

2 Q And one of those individuals being Ryder
3 Collins. Did officers have the opportunity to read him
4 Miranda?

5 A Yes.

6 Q And did he agree to talk to you about what was
7 going on that night?

8 A Yes.

9 Q And what their plans were?

10 A Yes.

11 Q Did he state that he was following the group
12 downtown in order to take photographs of them as well as
13 the police?

14 A Yes.

15 Q And did he also state that he did in fact hear
16 the announcements that were been given by officers but
17 that he apologized for not leaving and following the
18 lawful order when told to do so?

19 A Yes.

20 Q Did he also state he was moving around the group
21 as well as officers while the protest was on going so he
22 could get photographs?

23 A Yes.

24 Q Now, when officers converged on the group before
25 they -- you said that they yelled out take the tracks.

1 What exactly does that mean to you, take the tracks?

2 A To me it means that they were going to impede
3 southbound trains, southbound light rails. On that
4 particular stretch of railroad track it is exclusively
5 southbound.

6 Q And with regards to Ryder Collins, when officers
7 were trying to get handle on the entire group, did he
8 actually run up on officers and try to impede their
9 ability to be able to take these individuals under arrest
10 by running up on the officers trying to distract them?

11 A Yes.

12 Q And did officers have to give him several
13 commands to move back?

14 A Yes.

15 Q And with regards to Riley Behrens, did officers
16 have the opportunity to sit down and speak to this
17 individual?

18 A Yes.

19 Q Was Riley read Miranda?

20 A Yes.

21 Q Did Riley agree to speak to officers?

22 A Yes.

23 Q Did Riley make several different statements that
24 they were planning on trying to disrupt the downtown area
25 as well as target police officers by using smoke bombs?

1 A Yes.

2 Q Did she specifically state that Suvarna Ratnam
3 got the smoke bombs and brought them in order to try to
4 either harm the police or to try to get the police not to
5 follow them any further?

6 A Yes.

7 Q And with regards to Riley, did Riley also state
8 that the umbrellas were being used to block cameras and
9 things of that nature?

10 A Yes.

11 Q Were there several -- were there actually a
12 couple of individuals or at least one individual that had
13 a gun on them?

14 A Yes.

15 Q And who was that?

16 A Suvarna Ratnam.

17 Q So what about Britney?

18 A Yes.

19 Q There is another individual by the name of
20 Britney -- hold on one second. Did Britney have a slung
21 AR15 rifle?

22 A Yes.

23 Q And did Riley state that the reason why they had
24 guns is as a show of force?

25 A Yes.

1 Q And with regards to the smoke bombs, did Riley
2 specifically state that, again, their intention was to
3 create a diversion so officers couldn't drive through it
4 so they couldn't see to drive through it?

5 A Yes.

6 Q I don't believe I have any further factual
7 questions for this officer.

8 MR. BAKER: Do any members of the grand
9 jury have questions for this witness? Keep in mind he
10 will remain outside after the testimony of the next
11 witness. So if you think of anything in the interim we
12 can bring him back in. Does anyone have any questions
13 for him now?

14 GRAND JUROR [REDACTED]: Was Mr. Collins --
15 you mentioned he was taking photographs, was he working
16 in a professional capacity for anyone?

17 THE WITNESS: Not to my knowledge, no.

18 Q (By Ms. Sponsel) And just to follow up to that
19 question, good question. With regards to Ryder Collins,
20 the grand juror just asked if he was working in a
21 professional capacity. Have you guys had actual members
22 of the news media down at these protests slash riots?

23 A Yes.

24 Q And what are they required to wear in order for
25 you guys to know that, hey, this is actually a news

1 person?

2 A Placard, an ID placard.

3 Q And do they wear it to where it's very visible
4 for you guys to know, hey, that's the news media?

5 A Yes.

6 Q And was Ryder Collins wearing anything like
7 that?

8 A No.

9 GRAND JUROR [REDACTED]: Did Mr. Collins have
10 equipment to take photographs with?

11 THE WITNESS: He had a camera.

12 GRAND JUROR [REDACTED]: Do we know if
13 Mr. Collins is part of that group?

14 THE WITNESS: It is our contention that he
15 was a part of that group.

16 GRAND JUROR [REDACTED]: What time again was
17 the code four called out?

18 THE WITNESS: Code four was called out at
19 approximately 2040 hours 8:40 p.m.

20 Q (By Ms. Sponsel) Just to follow up, what is code
21 four?

22 GRAND JUROR [REDACTED]: Everybody was
23 arrested.

24 MS. SPONSEL: No, that's fine. I was
25 asking him, sorry.

1 Q (By Ms. Sponsel) Officer, what is code four to
2 you?

3 A To be clear, code four is radio verbiage for
4 everything is fine and under control.

5 MS. SPONSEL: Any other factual questions
6 for this witness?

7 GRAND JUROR [REDACTED] Were the guns that
8 they had, were they registered to those individuals that
9 possessed them?

10 MR. BAKER: Officer, are you aware of the
11 fact there is no gun registration in Arizona?

12 THE WITNESS: I am.

13 MR. BAKER: Therefore, guns cannot be
14 registered in Arizona.

15 MS. SPONSEL: Any other further factual
16 questions for this officer?

17 GRAND JURY PANEL: (No response.)

18 MR. BAKER: There being no further factual
19 questions at this time.

20 You are admonished that Arizona law
21 prohibits you from discussing your testimony here today
22 with anybody other than the prosecution.

23 If you don't mind having a seat back
24 outside for a moment.

25 (Whereupon the witness enters the room.)

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

E X A M I N A T I O N

BY MS. SPONSEL:

Q Good afternoon, Sergeant, can you please just introduce yourself to the members of the grand jury.

A I am Doug McBride. I am a sergeant with Phoenix.

Q And how long have you been with the Phoenix Police Department?

A 26 years.

Q And as an officer with Phoenix Police Department, in that 26 years have you had several different assignments?

A I have.

Q And what is your current assignment?

A Currently I am the downtown operations training sergeant. And I work all the civil unrests in the city as well as take care of the training for that civil unrest.

Q And prior to -- how long have you been assigned in that particular local?

1 A Just coming up on four years.

2 Q And prior to that where were you assigned?

3 A Prior to that I was a FAP, fugitive
4 apprehension, sergeant for almost ten years.

5 Q And what do those individuals do?

6 A Basically, I ran a squad that looks for people
7 who have probable cause for their arrest, violent
8 offenders, and they have warrants for their arrest.
9 Service of search warrants and apprehension is our
10 primary focus.

11 Q And prior to that where were you assigned?

12 A Prior to that, I was in the Maryvale precinct as
13 a field training sergeant.

14 Q And prior to that where were you at?

15 A Prior to that I was a new sergeant in Maryvale
16 on third shift.

17 Q At some point were you signed to the --

18 A Been going a long time, yes. I was a gang
19 detective. So I was a gang detective for five years
20 prior to promoting to sergeant.

21 Q How does one become a gang detective?

22 A Gang detectives are a specialty position within
23 the City of Phoenix. You have to show knowledge and
24 experience in dealing with gang members. I was lucky to
25 be assigned to the South Mountain Precinct where there

1 was a plethora of gang members to interact with. Based
2 on my information and my experience, I was recruited to
3 help with several large investigations of home invasion,
4 rip crews, and stuff like that in south Phoenix. That
5 led to me actually testing for the gang unit and getting
6 selected to join the gang unit back in 2000, I believe.

7 Q With regards to being a gang detective and
8 working in that capacity, did you have the opportunity to
9 become very familiar with the Arizona Revised Statutes
10 and the definition that sets out what a criminal street
11 gang is in Arizona?

12 A I did.

13 Q And with regards to that definition, do you also
14 have to be familiar with another definition that sets out
15 criteria in order for you to be able to document somebody
16 as a criminal street gang member?

17 A Yes.

18 Q And even though you are no longer assigned to
19 gangs do you continue to know those statutes and apply
20 those statutes when needed and necessary in different
21 investigations?

22 A Absolutely.

23 Q Now, with regards to an investigation that
24 occurred back on October 17 of 2020 which we are here for
25 today, are you familiar with this investigation?

1 A I am.

2 Q This investigation involved approximately 17
3 individuals or 18 individuals, but we are here on 15 of
4 those individuals including Benjamin Llanes, Suvarna
5 Ratnam, and others?

6 A Yes.

7 Q And you are familiar with this investigation?

8 A I am.

9 Q Did you participate in this investigation?

10 A I did.

11 Q Did you write reports relating to this
12 investigation?

13 A I did.

14 Q And are you familiar with those reports for your
15 testimony here today in front of the grand jury?

16 A I am.

17 Q Now prior to October 17, had you had the
18 opportunity to get familiar with some of the individuals
19 that are listed here in this investigation?

20 A I did.

21 Q How did you become familiar with those
22 individuals?

23 A Through several arrests and violent crimes that
24 were committed, we had contact with several of the
25 members on a prior occasion with prior civil unrests.

1 Q And have you had the opportunity because of your
2 involvement in this investigation to make a determination
3 as to whether or not these individuals meet the
4 definition of being a criminal street gang under Arizona
5 Revised Statutes?

6 A I did. And they do.

7 Q Let's go ahead and talk about that. What is the
8 that name of this gang?

9 A It is called ACAB, A-C-A-B, and it stands for
10 All Cops Are Bastards. We first came into contact with
11 this group through graffiti, signage, ACAB written on the
12 back of skateboards and different paraphernalia
13 throughout our 150-plus day deployment and mobilization
14 and civil unrest in Phoenix.

15 Q And as part of your taking a look at whether or
16 not these individuals met the definition of a criminal
17 street gang, I want to talk to you about what you guys
18 have to or what has to be shown. Does under Arizona
19 Revised Statute does it state a criminal street gang
20 means an ongoing formal or informal association of
21 persons in which members or associates individually or
22 collectively engage in the commission, attempted
23 commission, facilitation, or solicitation of any felony
24 act and that has at least one individual who is a
25 criminal street gang member. You are familiar with that

1 definition we talked about?

2 A I am.

3 Q And with regards to this A-C-A-B or ACAB group,
4 do they have one individual who is at least a documented
5 member of this organization?

6 A Yes, they do.

7 Q And when we talk about whether or not somebody
8 can be documented as a criminal street gang member do you
9 have to take into consideration, again, the statute that
10 lays out what the requirements that you guys have to look
11 for?

12 A Absolutely.

13 Q Those requirements being one of the seven
14 criteria either, A, self proclamation; B, witness
15 testimony or official statement; C, written or electronic
16 correspondence; D, paraphernalia or photographs; E,
17 tattoos; F, clothing or colors; and, G any other indicia
18 of street gang membership?

19 A Correct.

20 Q Can you give the grand jurors through your
21 training and experience an example of what other indicia
22 mean under the law?

23 A Other indicia can be, as I stated earlier,
24 signage. It can be chants that they do. In this case,
25 chants walking down the street. It could be they decide

1 to paint on the side of their car ACAB. Different things
2 that aren't necessarily covered in the other six criteria
3 can be covered in the other if it directly relates to the
4 organization and the gang itself.

5 Q And with regards to other indicia, how about
6 just hanging out with each other, with other members, can
7 that also be considered indicia?

8 A Absolutely. Under the gang statute, just
9 hanging around and participating can also be an other
10 indication of formal or informal association.

11 Q And through your investigation, were you able to
12 document all of these members with meeting at least two
13 of the criteria set out under the Arizona Revised
14 Statutes?

15 A I was.

16 Q I want to talk to you specifically about some of
17 the individuals, the main individuals. Were you able to
18 identify one of the main individuals in this group?

19 A I was.

20 Q And who was that?

21 A Suvarna Ratnam?

22 Q And with regards to applying the gang statute to
23 her, what of the seven criteria were you able to find
24 that she in fact meets?

25 A She was able to actually to meet five of the

1 seven criteria. So she has put a tattoo on her wrist
2 that actually says A-C-A-B or ACAB. She was dressed in
3 the black block clothing which is a description for all
4 black clothing over the outside of other clothing that
5 actually concealed not only your identity but your sex as
6 well. She also is a -- she self proclaimed part of ACAB.
7 She also has written some written correspondence through
8 some messaging apps where she also wrote about ACAB and
9 the organization itself. There was one more. So four
10 out of the seven.

11 Q So and the other individuals that have been
12 listed in this indictment, did you find they met at least
13 two of the criteria?

14 A I did.

15 Q And what were those other two criteria where you
16 were able to attribute the other individuals listed in
17 the indictment?

18 A Both self proclamation and the colors, the
19 clothing.

20 Q And through your training and experience of
21 dealing with this ACAB group what exactly color -- what
22 color do they claim?

23 A Black.

24 Q And you stated these guys are known to walk down
25 the street and start chanting out ACAB. Is that a way

1 for them to self identify with this criminal street gang?

2 A Yes.

3 Q Now, Detective, in your training and experience
4 with regards to this particular gang versus, let's say,
5 the Bloods and the Crips, are you familiar with those
6 types of criminal street gangs, the Bloods and the Crips?

7 A Very much.

8 Q And with regards to your training and
9 experience, the Bloods, do they have a specific color
10 they claim?

11 A Yes.

12 Q What color is that?

13 A Red.

14 Q Do they tattoo themselves in furtherance of
15 their gang to show their loyalty?

16 A Yes, they do.

17 Q What kind of things, what kind of tattoos do
18 they get?

19 A They can do any moniker of their actual Blood
20 set. So if they are a 79 Swan, they can get 79 Swan put
21 on there. A lot of times they'll put their street where
22 they live as part of their neighborhood. A lot of times
23 Bloods will also put the letters CK which means crip
24 killer because that's their main rival. And they'll also
25 do, they can do numbers as well to correlate with letters

1 of the alphabet. So one being A, two being B, that kind
2 of stuff they'll put on their body to identify themselves
3 as well.

4 Q And are you finding that ACAB is following the
5 exact same type of philosophy of let's say Bloods and the
6 Crips?

7 A Yes.

8 Q And what about even maybe the same philosophy as
9 the Hells Angels?

10 A Very similar, yes.

11 Q And why would that be similar?

12 A I think because the tattoos, the intimidation
13 factor, how they are directing their violent behavior,
14 and they're organizing their violent behavior very
15 similar to the Hells Angel organization where they
16 actually organize their violent behavior, and then they
17 carry that out in very organized fashion. It's not
18 random with the Hells Angels.

19 Q And are you finding that's exactly what this
20 ACAB group is doing is they are organizing for the intent
21 to create violence?

22 A Yes.

23 Q Now, in your training and experience, because I
24 know you talks about, you know, the Bloods and we brought
25 up the Crips and stuff like that, do you find that

1 whether or not there is a difference between ACAB and
2 let's say the Bloods and the Crips?

3 A Yes, I do find very large difference actually.

4 Q And what is that difference?

5 A This is the first time in my experience or in
6 Phoenix PD's experience that we have an organized group
7 of individuals and all of their planning and all of their
8 violence is directed directly toward the police
9 department. We've never had that before. With Bloods in
10 the Crips, where there will be interactions with police
11 based on their behavior and their criminal behavior, they
12 are not physically organizing or practicing or teaching
13 each other to be violent against police.

14 This group is specifically setting out
15 almost on a weekly basis to disrupt police, commit
16 violent acts of aggravated assault against police, throw
17 incendiary devices at police. And they are talking about
18 it, they are buying the equipment, they are bringing it
19 to the gathering, and executing those plans.

20 Q And in fact, after these individuals, some of
21 these individuals were taken into custody, did you guys
22 find other weapons on them such as bricks and rocks?

23 A Yes, we did.

24 Q And why would that even be relevant? I guess, I
25 could carry a brick or rock in my bag. Why is it

1 relevant with regards to this particular group?

2 A Because those are the items that have been
3 thrown at us directly. Officers have been struck with
4 rocks, bricks, water bottles, ice bottles, a plethora --
5 anything that they can pick up and throw we've been hit
6 with.

7 Q And what about the umbrella, is that part of
8 their, I guess you could say their gang uniform?

9 A It is. It's an extension of what they are doing
10 to disrupt us and to try and defeat our tactics which are
11 pepper spray and different kinds of nonlethal munitions.
12 The umbrella will provide a protective umbrella around
13 them, to use the umbrella word, and then it will also
14 conceal what they are doing. As this group moved on
15 October 17th, they were able to conceal what each person
16 was doing by draping umbrellas around the exterior of the
17 group so we couldn't see inside.

18 Q And in the past has this group, just in general,
19 have they actually used the umbrellas as a weapon?

20 A Yes. So on a prior occasion, the Suvarna
21 Ratnam, who I discussed earlier, she actually utilized
22 her umbrella to stab an officer in the hand causing a cut
23 on his hand.

24 Q And are you guys finding that watching the
25 national trends across the country that these are tactics

1 that are being deployed by those groups that are just
2 focusing in on violence?

3 A Yes.

4 Q In your training and experience of working
5 criminal street gangs, do you have an opinion as to
6 whether or not ACAB is in fact a documented -- excuse me,
7 is a street gang here under the Arizona Revised Statutes?

8 A They absolutely meet every single part of the
9 statute.

10 Q And with regards to working in the downtown
11 operations unit working protests versus riots, what's the
12 different between a peaceful protest under the 1st
13 amendment versus what we have here in this case?

14 A A peaceful protest is just like the 1st
15 amendment says: The right to peacefully assemble. That
16 means we are not breaking laws, we're not interfering
17 with other people's right, we're not shutting down
18 government operations and/or main arteries that feed the
19 downtown area specifically. Peaceful protests were not
20 engaging police. We are not assaulting police. We are
21 not throwing projectiles at police. People typically in
22 a peaceful protest are not covering their identity. They
23 are not trying to hide their -- what they are doing.
24 They maintain staying on the sidewalk following all
25 applicable laws and letting their message be heard. And

1 we have hundreds if not thousands of those every year
2 with no issue.

3 Q And with this particular group, are you guys
4 giving them commands pretty much basically from the very
5 beginning that they stepped into the street when they
6 started to impede traffic?

7 A Yes.

8 Q Now, I know that I've asked previously but I am
9 going to ask you: These things, were they captured on
10 body worn camera as well as surveillance video that you
11 guys utilize?

12 A Yes.

13 Q And did you have the Phoenix Police Department
14 put together several different clips using the
15 surveillance video as well as the body cam video in order
16 to help aid the understanding of what exactly was going
17 on during the riot back on October 17, 2020?

18 A Yes.

19 Q And did you have an opportunity to take a look
20 at the video?

21 A I did reviewed it.

22 MS. SPONSEL: Do we need to have this
23 marked as Exhibit 1?

24 MR. BAKER: We can do that.

25 Q (By Ms. Sponsel) Sergeant, while I am waiting

1 for that to continue to download, with regards to this
2 particular date and the organization, did you find they
3 were very well organized on October 17, 2020?

4 A I did.

5 Q And was that based on your previous knowledge
6 or, and/or both maybe of also what you were observing
7 that night and what you guys found on a lot of these
8 individuals?

9 A I believe it would be both, both prior knowledge
10 and watching what transpired that evening.

11 (Video playing.)

12 Q So what is the, what are the grand jurors taking
13 a look at here?

14 A This is the group of individuals identified on
15 October 17. They are moving down the center of a major
16 street, I believe that is Van Buren Street which is a
17 very busy major artery in downtown Phoenix. You see the
18 police car there having to block traffic because we had
19 to divert dozens of vehicles as they took the street
20 over. Obviously, you can see the use of the umbrella and
21 that black block clothing. So it's very difficult to
22 make out who is male, female.

23 And then this is actually -- this is going to be
24 Washington Street. And this is where they threw three
25 incendiary devices. They burn at about 700 degrees

1 Fahrenheit, can catch a lot of things on fire. They
2 threw them at the two trailing police vehicles obviously
3 obscuring our view which then enabled them to start
4 taking barricades from the side of the street and placing
5 them in the traffic way to try and disable our vehicles.

6 Q And did one vehicle actually become disabled?

7 A Yes.

8 Q Now, we saw the two Tahoes. Are there any
9 officers on foot near the Tahoes when the smoke bombs or
10 incendiary devices were thrown?

11 A Yes, I believe there a few grenadiers, the guys
12 I actually supervise, who have the nonlethal munitions.
13 There was a few of them out on foot in case we needed to
14 address the crowd.

15 Q And did they have issues seeing around the smoke
16 in order for them to be able to do their job duty?

17 A Correct. As soon as that smoke is deployed,
18 it's very difficult to see as you just experienced.

19 Q With regard to these devices, if these devices
20 hit an officer directly, can it cause burns?

21 A Yes.

22 Q Can it cause serious physical injury?

23 A Yes.

24 Q And the grenadiers, what exactly is a grenadier?

25 A We have a certain number, actually about 30

1 individuals in the Phoenix Police Department, who are
2 certified in deploying less lethal munitions things like
3 smoke. We have smoke as well, tear gas. We also have a
4 PepperBall which is like a paint ball with pepper spray
5 in it. We have super sock. It's a stun bag round which
6 is used all throughout the department. And we have
7 noisemakers like aerial bangs and muzzle bangs that just
8 make noise. There is no projectile in those.

9 Q And with regard to the Phoenix Police Department
10 and policies and procedures and things of that nature, do
11 you guys have to wait for something to happen in order
12 for you to use any of those types of munitions to respond
13 to a crowd?

14 A Absolutely. We are looking for active
15 aggression and violent behavior before any of that is
16 ever utilized.

17 Q And do you know, does ACAB have policies and
18 procedures with waiting -- where they have to wait to be
19 able to use their munitions against you guys?

20 A Not to my knowledge.

21 Q All right. And so here, they just started
22 throwing these smoke bombs. Were you guys even
23 anywhere -- I mean, you guys were following, but were you
24 guys doing anything to them such as yelling at them,
25 throwing anything at them, hitting them with PepperBalls,

1 or anything like that?

2 A At this point all we were doing was loud audible
3 messages asking them to get out of the roadway at this
4 point.

5 (Video playing.)

6 Q Now, it looks like we've switched from, I think
7 it's called strong watch. It is strong watch video?

8 A Yes. It's a camera mounted on the back of a
9 truck and this looks like a body cam here.

10 Q And is this one of the officers that had to deal
11 with the smoke bombs?

12 A Yes.

13 (Video playing.)

14 Q And even at that point were you guys using
15 PepperBalls or anything despite the fact they are
16 throwing these types of things at you guys?

17 A No.

18 Q Now, are we going back to the strong watch?

19 (Video playing.)

20 A Correct.

21 Q Tell the grand jurors what's happening here.

22 A As I indicated earlier, they started to take the
23 construction barriers that are there to protect the
24 public from all the open holes and the street work that's
25 being done and they are placing them strategically in the

1 middle of the roadway to disable our vehicles, disrupt
2 our following of the crowd to make sure that they conform
3 to the law. You'll see the crowd moving in unison.
4 Everybody has a part whether it's holding an umbrella or
5 grabbing a barricade and dragging it out to the street.

6 Q Now, the Ryder Collins, he's one of the
7 individual listed in the indictment. And he was going
8 around, and he was taking photographs. Did you see him
9 join up with the group while you guys were dealing with
10 all this?

11 A Yes, he was in and around the group throughout
12 the entire night.

13 (Video playing.)

14 Q Did it appear as though he was working with
15 concert with them?

16 A Yes, he did.

17 Q What's going on here?

18 A Obviously, we are having to get out and clear
19 the barricades so our vehicles can get through safely
20 which again puts officers in jeopardy out in the middle
21 of the street dealing with these heavy barricades which
22 they put out into the middle of the street. The
23 grenadier -- that's one of my grenadiers. He's just
24 covering and helping just so no one gets hurt.

25 Q Did this allow the group to get even further?

1 A Yes. They continued quite a ways in front of us
2 until we get to this point which is the arrest.

3 Q And why did you guys decide to arrest them at
4 this point?

5 A They had already thrown the three incendiary
6 devices at us. They had moved all the barricades. They
7 disabled a police car. And right before this moment, my
8 lieutenant actually heard from the group that they were
9 going to take the light rail platform which is a train
10 system downtown. And there was an actual light rail
11 train southbound on those tracks at that time. And he
12 felt that that would be extremely dangerous not only to
13 them but to the people on the light rail as well. It's a
14 high voltage electric train system that works down there,
15 so he did not want to allow that to happen.

16 Q And we are going to get into, and I think we are
17 going to be able to see some of this further on, but when
18 all this group got to this corner what exactly did they
19 do?

20 A So what happens here is they actually, we move
21 in to make arrests and tell them to get down. And the
22 group, basically somebody sets off another incendiary
23 device within the center of the crowd. You can see it
24 briefly when this first started. That wasn't us; that
25 was them. And then they take the umbrella and they

1 completely conceal their identity under there. And we
2 also -- I didn't mention earlier, but there is one
3 individual that we noticed early on who has an AR15 rifle
4 slung. So they cover that person up as well so we can't
5 see what they are doing either.

6 Q And does that create a risk for you guys?

7 A Absolutely. It's a huge hazard for us.

8 Q And even though that person is not pointing the
9 gun at you guys in any way, shape, or form, by the mere
10 fact they are covering it up does that put you guys in
11 apprehension that something could happen?

12 A Absolutely.

13 Q All right. So let's go ahead and -- I am sorry.
14 When they go down to the ground, are they all just laying
15 there separately or do they go down as a group?

16 A They go down as a group, and they use a specific
17 tactic when they do. They are trying to prevent
18 themselves or their buddy from being arrested. And how
19 they do that is they interlock their arms and legs so
20 they are very like chain linked together, if you will,
21 with a human body. And if you can imagine 18 people,
22 even if we took everyone in this room and linked you guys
23 together it would be very difficult to start to break
24 that chain of group to try and get people into custody.
25 So it creates a huge hazard for officers both physically,

1 I mean just -- I am old, and bending over and trying to
2 like, you know, pick people up and break them apart and,
3 you know, it's a hazard. And we have the umbrellas to
4 deal too. So you got to kind of rip those out and get
5 those out of the way and then make sure they are not
6 pointing a gun at you and take them into custody. It's
7 very much a -- it's a hazardous situation for us.

8 Q And did officers -- did some officers including
9 yourself actually become injured during the arrest?

10 A Yes. So it is what it is. They basically -- so
11 when you -- as I reach down to grab their fingers and
12 hands and pull them apart, they utilize a technique where
13 they -- they actually in some cases sharpen their
14 fingernails. I don't know if you guys are familiar with
15 that, but they'll actually put points on them, and
16 they'll dig them into the back of our knuckles and hands.
17 My particular thumb got disrupted. It was cut open and
18 bleeding and still hurts, actually the ligaments in it.
19 They'll do that as well just to prevent us from taking
20 them into custody.

21 Q Let's go ahead and watch his portion.

22 (Video playing.)

23 A So this is the arrest. And it's typical we have
24 guys that are separating the group apart and guys
25 protecting the actual officers that are taking people

1 into custody. We had one individual that tried to climb
2 the fence and throw something at one of the grenadiers,
3 and he had to address him with some PepperBall. Another
4 grenadier sprayed that same individual with those seed
5 spray (phonetic). But basically we are dragging them
6 apart. We are making sure that -- rendering them
7 relatively save, putting handcuffs on them, and getting
8 into vehicles as quickly as we can.

9 (Video playing.)

10 Q Who is that talking?

11 A That's my lieutenant. That's Lieutenant
12 Benjamin Moore of the Phoenix Police Department. That
13 individual is climbing the fence right there in the
14 background. You see him up on the fence, and he's
15 actually reaching into the back of his backpack.

16 Q Is that individual Nathan Aderholdt?

17 A I believe so, yes. And that's PepperBall being
18 addressed as he's noncompliant and then the pepper spray.

19 Q And who is that officer?

20 A That's Officer Chris Teriano. He's a grenadier
21 giving very specific instructions. I don't think -- it's
22 easy to understand, and he refuses to. Based on his
23 actions he's PepperBalled and sprayed with pepper spray.

24 Q And are we slowing down his actions here in a
25 little bit?

1 A Yes.

2 Q And again that's Nathan?

3 A Yes. And that's another angle of him
4 confronting the officer, not complying with directives.

5 Q Now, I am going to stop it here for a second
6 just to clarify. Now, when you guys -- in order for you
7 guys to use the PepperBalls, pepper spray, and stuff like
8 that, do have you to wait for that active aggression?

9 A Yes.

10 Q And were you guys, we they were getting ready to
11 slow it down with regard to Nathan Aderholdt, do you guys
12 actually see the active aggression other than him just
13 trying to get up over the fence?

14 A I don't know if Officer Teriano saw him reaching
15 into his backpack at the time but his aggressive nature
16 in trying to get over that fence and not complying. It's
17 interesting to note 17 other people complied with the
18 command to get down on the ground, and this one
19 individual remained defiant and continued to engage the
20 officers which is what precipitated the PepperBall.

21 Q Let's go ahead and --

22 (Video playing.)

23 Q Is this just slowed down?

24 A Slowed down, same angle. They are going to kind
25 of point it out to you. He's holding on to the fence

1 there. He uses his right hand to go into the back of his
2 backpack, come forward. See how he comes forward with an
3 object in his hand. We don't know what that object is.
4 And it ends up on the ground because he drops it. Just
5 another angle. He pulls himself up, reaches in the back,
6 and brings an object about. And that's when Officer
7 Teriano directs his direct impact to him.

8 Q And you guys don't at that point know if he has
9 a gun or anything like that with that action?

10 A Correct.

11 Q Now, what are we taking a look at here?

12 A That's my -- I believe that's me.

13 Q And is this the intertwining that you are
14 talking about where they are interlocking themselves?

15 A Correct. Yeah, that's mine. I just pulled an
16 umbrella out, and I am trying to get their hands. You
17 see they interlock their hands.

18 Q And is this the way they are hindering your
19 guys' ability to effectuate the arrest for all of these
20 crimes?

21 A Correct. You see their legs are intertwined.
22 Their hands are intertwined. They are just dead weight.
23 And they are, you know, forcing us to utilize a lot of
24 extra energy and effort to get them into custody instead
25 of just self surrendering like most people do.

1 You can see the balance issues just making it as
2 hard as possible. There is the rifle. That individual
3 also had a handgun on them as well. And there is the
4 layers of clothing, extra magazine ammunition, and the
5 Glock.

6 Q Now, so with regards to these individuals and
7 their organization, I know we've talked about the Bloods
8 and the Crips and things of that nature, have you ever
9 seen the Bloods or the Crips where they are organized
10 like this to where they actually interlock their arms and
11 their legs?

12 A No.

13 Q And when we are talking about organizations,
14 would you equate these guys to the better, well-organized
15 criminal street gang such as Hells Angels or Mexican
16 Mafia rather than let's say the Bloods or the Crips?

17 A Yes.

18 Q And why would you say that?

19 A They are just coordinated. An interaction with
20 a Blood or a Crip is usually happenstance or by their
21 action and police responding to that location. It's not
22 a purposeful act. The Bloods and Crips don't sit out at
23 their home and say we are going to go down to
24 headquarters and engage the police in activity. They
25 just don't do that. They are going to go commit an armed

1 robbery or homicide, and we are going to come and
2 interact with them. This is different. This is a
3 coordinated attack like we've seen from Hells Angels not
4 on police.

5 It's important to note that Hells Angels don't
6 attack police either. But they'll do that with their
7 rivals like the Mongrels and other motorcycle gangs
8 they'll do coordinating. I mean, they launched in Canada
9 one time they took a bunch of rocket launchers and
10 launched them at their rival's residences if you will.
11 So they have a very coordinated approach. They are very
12 organized. They communicate with their group. They have
13 a hierarchy of leaders and the subordinates and
14 hang-arounds. And they have a very distinguished
15 hierarchy which is very similar to this ACAB group.

16 Q And with regards to -- just one more question
17 for you with regard to Nathan Aderholdt, the one that we
18 saw trying to get on the fence and then do that action of
19 pulling that item out. When officers saw that, Officer
20 Matt Morgan as well as Mario Lozoya and Joseph Kapla, did
21 they go in to effectuate his actual arrest of trying to
22 grab ahold of him and trying to get him into custody?

23 A Yes, they did.

24 Q Was he still flailing around his arms and things
25 of that nature using force against the officers so they

1 couldn't get handcuffs on him quickly?

2 A Correct. He resisted arrest actively.

3 Q So did it take three officers to eventually get
4 him into handcuffs?

5 A Yes.

6 MS. SPONSEL: I don't believe I have any
7 further factual questions.

8 MR. BAKER: Does anyone have any factual
9 questions for this witness?

10 GRAND JUROR [REDACTED]: I believe you
11 mentioned that Suvarna Ratnam used an umbrella to strike
12 an officer. Was that during this occasion?

13 THE WITNESS: No, that was on a prior
14 occasion.

15 MR. BAKER: Ladies and gentlemen, I would
16 advise members of the grand jury you may use that only
17 for limited purposes. You may not conclude merely
18 because somebody may have committed a crime in the past
19 they are more likely to have committed the crimes here.
20 However, you may consider it for identification purposes
21 as to how law enforcement might know her. And also to
22 give you some notion of what her motivation might be
23 during the course of the matters that are under
24 presentation here.

25 GRAND JUROR DONGELL: Were there other

1 victims? I thought you had listed victims before the
2 officers' names.

3 MR. BAKER: That would be the State of
4 Arizona and City of the Phoenix. As to the officers,
5 they are the only ones listed in the draft indictment.

6 GRAND JUROR [REDACTED]: It was all officers
7 that were listed?

8 MR. BAKER: They were listed in the draft
9 indictment. Did you have some other people?

10 MS. SPONSEL: Yes, those are all Phoenix
11 officers.

12 GRAND JUROR [REDACTED]: Okay. No people
13 standing around were victims?

14 MS. SPONSEL: No.

15 Q (By Ms. Sponsel) Were there several civilians
16 from your observations that had their night disrupted
17 because of these individuals?

18 A Yes.

19 GRAND JUROR [REDACTED]: The item that Nathan
20 had pulled out of his backpack when he was trying to
21 climb up the fence, was that ever located? Do we know
22 what it was?

23 THE WITNESS: We don't. It was not located
24 that evening.

25 MS. SPONSEL: Any further factual

1 questions?

2 GRAND JUROR [REDACTED]: The officers that
3 sustained injury, can you just remind us what was the
4 injuries they sustained?

5 THE WITNESS: They just cut open the back
6 of my finger. It's healing, but it's just sore and hurt
7 and bled all over the place.

8 Q (By Ms. Sponsel) Do you know, were there any
9 other injuries -- from your recollection, do you know did
10 any other officers get any other type of injuries like
11 that?

12 A I don't believe so. I don't believe there was
13 anybody else.

14 Q But the other, the other stuff that was used
15 against the officers, such as the incendiary devices and
16 things of that nature, those things could have harmed
17 those officers to the point that one of them was
18 concerned enough he had to get out of his patrol car to
19 get it out of the way?

20 A Yes.

21 MR. BAKER: Any further questions for the
22 sergeant?

23 GRAND JUROR [REDACTED]: Is it normal for an
24 officer to go up to something that's smoking like that?
25 I mean, what if it would have blown up on them or

1 something. He didn't have any protection other than
2 just -- he didn't have nothing. He just walked up to it?

3 THE WITNESS: Correct. What I'll say to
4 that is the grenadiers are highly trained. So he's one
5 of my top instructors. So he's pretty good at readily
6 identifying something right out of the gate. So he
7 felt -- if he felt comfortable doing so. Obviously, we'd
8 like to dispose of it in the different way, but in the
9 immediacy of the moments he had to push past it to get to
10 the crowd. He rendered it semi safe by placing it in a
11 place where it wouldn't catch anything on fire so he
12 could move forward. And then we went back and collected
13 that item later.

14 MS. SPONSEL: Any other factual questions?

15 GRAND JURY PANEL: (No response.)

16 MR. BAKER: I take it by your silence that
17 there are none.

18 You are admonished that Arizona law
19 prohibits you from discussing your testimony here today
20 with anybody other than the prosecution.

21 If you don't mind having a seat back
22 outside for a moment.

23 (Whereupon the witness is excused.)

24 MR. BAKER: Before we ask for legal
25 questions, we told you the first witness would remain

1 available should you have any further questions for that
2 witness. Does anyone have any for the first witness?
3 Apparently not.

4 At this point, any legal questions?

5 GRAND JURY PANEL: (No response.)

6 MR. BAKER: I take it by your silence that
7 there are none.

8 We'll step outside and allow you to
9 deliberate to determine which of your options you wish to
10 pursue.

11 (Whereupon the deputy county attorney and
12 the court reporter were excused from the grand jury room,
13 were subsequently recalled into the grand jury room, and
14 the following proceedings were had:)

15 GRAND JUROR [REDACTED]: The jury has voted and
16 directs the county attorney to prepare a draft indictment
17 for our consideration.

18 MR. BAKER: The county attorney has
19 prepared a draft indictment for your consideration.
20 Please remember the admonitions read to you this morning
21 with regards to the draft indictment is still applicable.

22 (Whereupon the deputy county attorney and
23 the court reporter were excused from the grand jury room,
24 were subsequently recalled into the grand jury room, and
25 the following proceedings were had:)

1 GRAND JUROR [REDACTED]: The clerk will now
2 read the grand jury's findings.

3 GRAND JUROR [REDACTED]: The grand jury with
4 16 members present and only members of the grand jury
5 present, deliberated upon the evidence, and with 16
6 jurors voting by a vote of 16 to zero, returned a True
7 Bill.

8 MR. BAKER: That concludes this
9 investigation.

10 --oOo--
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R E T U R N A P P E A R A N C E S :

DEPUTY COUNTY ATTORNEY:

Mike Baker

GRAND JURORS:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

--oOo--

1 (Whereupon Judge Steve Hopkins is called
2 into the courtroom, and the following proceedings were
3 had:)

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

6 RETURN OF INDICTMENT

7 THE COURT: You may be seated, Ladies and
8 Gentlemen. This is the 790th Maricopa County Grand Jury.
9 Deputy County Attorney Mike Baker is
10 present.

11 The standard orders read on October 9,
12 2020, are still in full force and effect.

13 The Foreperson may proceed with today's
14 returns.

15 GRAND JUROR [REDACTED]: Your Honor, case 790
16 GJ 164, a True Bill. My signature appears on the
17 indictment endorsing it a True Bill.

18 MR. BAKER: NSI as to all 15 co-defendants,
19 Your Honor. In addition, there is an exhibit with that
20 file.

21 THE COURT: And the exhibit is what? Oh,
22 it's a video. All right. It's ordered that a Notice of
23 Supervening Indictment shall issue with respect to all 15
24 defendants.

25 --oOo--

C E R T I F I C A T E

I, Brigid M. Donovan, CR, a Certified Reporter in the State of Arizona, do hereby certify that the foregoing pages constitute a full, true, and accurate transcript of the proceedings had in the foregoing matter, all done to the best of my skill and ability.

SIGNED and dated this 17th day of November, 2020.

/s/ Brigid M. Donovan

Brigid M. Donovan, RPR

Certified Reporter #50902

Brigid M. Donovan, RPR
AZ CR. 50902