

1 *****

2 MARTOCCHIO, DAVID

3 *****

4 LEGEND:

5 JT: JOHN TEFFT

6 DM: DAVID MARTOCCHIO

7 *****

8 JT: It's August 5, 1999, time is 1705 hours I'm going to be telephoning David M-A-R-T-
9 O-C-C-H-I-O. Phone number [Personal data deleted].

10 -DIAL TONE, TELEPHONE RINGS THREE TIMES-

11 DM: Hello.

12 JT: Hi, is this David?

13 DM: Yeah.

14 JT: Hey David, how are you doing?

15 DM: Good, how are you?

16 JT: Good, hey umm, like I said I just need to talk to you um, um about this officer
17 involved shooting.

18 DM: Uhm, uhm.

19 JT: And just, it take just a few minutes on the phone. Umm, before I get to involve in this
20 ah, I just need to get some information on you I have your last name I just need to get
21 your middle name.

22 DM: [Personal data deleted]

23 JT: Oh, long time then. Hey um, like I said, talk to your wife and I talk to couple other
24 people and but um obviously we need to talk to everyone was involved. Um, what I
25 like for you to do if you could for me is just kind of start off with where you were
26 earlier that evening. Umm, you were at a bar-b-que I guess with David?

27 DM: Right.

28 JT: Just I mean with Larry. Just kind of go on and tell me what happen from the bar-b-
que which you did and after whatever you saw in the street and where you went after
that.

DM: Okay.

JT: And go from there if you would for me please.

1 DM: All right. We call Larry, LA.
2 JT: Okay.
3 DM: We refer him as LA.
4 JT: All right.
5 DM: Um, we were at LA's house for a birth for um a party welcoming his sister back in
6 town. She was just in town just before her marriage. So, we were having a bar-b-que
7 and we were planning on going to the rollercoaster after we were done.
8 JT: Uhm, uhm.
9 DM: Which what we did we gotten a friend's truck six of us.
10 JT: Uhm, uhm.
11 DM: Three in the front and three in the back and drove down um, PB Drive.
12 JT: Uhm, uhm.
13 DM: To Mission Boulevard.
14 JT: Uhm, uhm.
15 DM: Turn south on Mission Boulevard. As we approached the area we heard a helicopter.
16 We didn't know what was going on we just heard the helicopter we hear that a lot in
17 PB.
18 JT: Uhm, uhm.
19 DM: We were looking around and then we saw the spotlight right about in front of us.
20 JT: Uhm, uhm.
21 DM: Then we all spotted the two officers fighting with the black guy. And they were just
22 like scuffling their arms were flying all over the place. But not really hitting each
23 other.
24 JT: Uhm, uhm.
25 DM: Just, look like the police officers trying to get the guy arms under control. And um,
26 we're still driving in the truck driving passed the scene. And as all as we're
27 approaching the scene there scuffling. And then the black guy gets away from the
28 two officers.
JT: Uhm, uhm.
DM: And has a pair of nunchakus in each hand. So each hand has a pair of nunchakus.
JT: Uhm, uhm.

1 DM: And he walks away at he's walking away from the officers at that point. And uh at
2 some point during that whole time one of the officers, pulled out his gun and pointing
3 it at the black guy.

4 JT: Uhm, uhm.

5 DM: And um, when the black guy was walking away we had already driven passed the
6 scene.

7 JT: Uhm, uhm.

8 DM: So I was turning around to see what was happening next but I was blocked it was
9 blocked by other parked cars.

10 JT: Uhm, uhm.

11 DM: So that's all I saw and then just in a few seconds after that we heard series of gun
12 shots.

13 JT: Mm, okay.

14 DM: And we again couldn't, I couldn't see anything what was happening.

15 JT: Uhm, uhm.

16 DM: We just continued driving south on Mission Boulevard to the roller coaster parked at
17 the roller coaster. Got out went on the roller coaster.

18 JT: Um, okay all right. And then from there you went to Mr. Frosty.

19 DM: Yeah, yeah.

20 JT: All right, all right now um, okay before I forget now somebody said that you call and
21 gave this statement to some officer?

22 DM: Yes.

23 JT: Would, could you tell me when and who you talked to?

24 DM: Ah, it was probably last week and it was a female and I don't know her name. I don't
25 recall what day it was exactly.

26 JT: Okay, you talked to a female officer?

27 DM: Yeah.

28 JT: And um, do you know um did, did she tell you she was a Detective or do what, what
was the circumstances about that?

DM: Oh, I just called cause I um, been watching things on the news it seemed like there
was a lot of making big news and I thought maybe I should give my testimony what I
thought to see if that might help.

1 JT: Do you remember what number you telephone?

2 DM: 2, yeah I do. It's um it's 531-2000.

3 JT: Okay that's our, that's our regular business number where you talk to. And then

4 when you talk to it was one of our dispatchers what did, what did she do? Did she

5 refer you to another person?

6 DM: No, no she I told her that I wanted that I was a witness to ah, situation in Mission

7 Beach she wasn't sure what I was talking about so I made myself more

8 specific.

9 JT: Uhm, uhm.

10 DM: And then she said, "okay how come you didn't come forward earlier?"

11 JT: Uhm, uhm.

12 DM: And I said, "well I didn't think it was necessary and."

13 JT: All right.

14 DM: We were driving in the truck and then she said okay and then she said what did you

15 see?

16 JT: Uhm, uhm.

17 DM: And told her basically what I told you.

18 JT: Uhm, uhm.

19 DM: And she took down some other information.

20 JT: Uhm, uhm.

21 DM: And....

22 JT: Did she take down your name, address and phone number? So....

23 DM: Right, right yeah and she said that if, if needed would I that someone might be calling

24 me back.

25 JT: Okay, do, do you remember if it was last week some time do you remember the time

26 or day at all? Roughly.

27 DM: It was about this time of day I got home from work and was watching the news.

28 JT: Okay the reason I was asking is because whoever that was never forwarded it that

over to the homicide unit. Who was investigating this so when, when we were

talking to Laura the other day she said oh yeah David and Larry ah, they called in and

gave a statement and we were like ah, madam we never heard of these people. We

were a little, little concerned that we haven't talk to you.

1 DM: Well, as I was speaking to the female from last week.
2 JT: Uhm, uhm.
3 DM: Sounded like she was typing things in the computer.
4 JT: Okay, well....
5 DM: As I was speaking.
6 JT: Well I have to figure out why it didn't get hooked up. But anyway let me go over this
7 real quick with you, make sure I have this all correct. And umm, you guys were at
8 the at a bar-b-que?
9 DM: Right.
10 JT: And it was over at LA's house. And it....
11 DM: Right.
12 JT: Was because Casse was back in town from Oklahoma.
13 DM: Right.
14 JT: And so everybody decided that they were gonna go down and ride the rollercoaster so
15 the six of you got into the pick up truck....
16 DM: Right.
17 JT: Do you remember where you were riding in the pick up truck?
18 DM: I was in the front seat on the passenger side.
19 JT: Okay so you were....
20 DM: Window side.
21 JT: Okay right front passenger seat.
22 DM: Right.
23 JT: And as you guys were south bound on Mission Boulevard you saw a helicopter over
24 head.
25 DM: Yeah.
26 JT: And then you saw the spot light?
27 DM: Right.
28 JT: Okay and then.....
DM: I, I heard the helicopter.
JT: Right, okay and then so anyway your attention because of the helicopter spot light
was directed to a location on Mission Boulevard?
DM: Right.

1 JT: And you saw two police officers there? Now how did you know they were police
2 officers?

3 DM: They were dressed in their dark blue uniforms.

4 JT: Uhm, uhm.

5 DM: Um, and they had all their gear on.

6 JT: Okay.

7 DM: Um, and they were big they were acting like they were trying to arrest the guy.

8 JT: Okay, so by I mean, you had no problem I.D'ing. them as police officers?

9 DM: No.

10 JT: Okay now this the, the black male umm, now what did, about how tall do you think
11 he was?

12 DM: He was as tall or maybe a little taller then um, the officers.

13 JT: Okay and how was his build?

14 DM: He was muscular.

15 JT: Okay all righty. And....

16 DM: Not, not fat, he was trim.

17 JT: Do you remember what he was wearing?

18 DM: No.

19 JT: Okay that's not a problem. Now, now we talk about when the so, the three of them
20 were all together. And you describe it as a scuffle?

21 DM: Yeah.

22 JT: Umm, could you maybe you know I understand well a scuffle is a scuffle, could you
23 maybe tried to paint a word picture for me what, what you mean by a scuffle.

24 DM: Okay, well the three of them were standing all facing each other.

25 JT: Uhm, uhm.

26 DM: And, their arms they all their arms were just struggling to gain control of each other.

27 JT: Uhm, uhm.

28 DM: It look like the officers were trying to grab his arms in order to arrest him it looked
like he was trying to get out of that situation.

DM: Uhm, uhm.

DM: Um, and that's all that was going on. And....

JT: (UNINTG)

1 DM: Okay.

2 JT: Go ahead, I'm go ahead you're doing fine.

3 DM: It's during that time he was able to break away from them and had the nunchakus and

4 turned his back and was walking away.

5 JT: Um, okay. All right and so he had two pairs of nunchakus?

6 DM: Right.

7 JT: Okay.

8 DM: One in each hand.

9 JT: How do you know they were nunchakus?

10 DM: Well, they I don't know umm, that whole area of defense myself. I've never taken

11 any classes but....

12 JT: Uhm, uhm.

13 DM: From movies and TV shows it looked like a pair, and the people (UNINTEL) riding

14 in the car the truck with me. Said that those were nunchakus.

15 JT: Okay now, now nunchakus has like two pieces of two for lack of a word long pieces

16 of wood and then they are connect by rope or a chain.

17 DM: Uhm, uhm.

18 JT: Now how was this person holding the nunchakus? Were they holding them together

19 were they spinning them? Umm what was the black male doing that would indicate

20 to you they were nunchakus?

21 DM: Well, they were pretty much like you describe there black, short look like um a

22 broom stick size.

23 JT: Uhm, uhm.

24 DM: They were and they were connected in the middle by some kind of cable.

25 JT: Uhm, uhm.

26 DM: And he it look like he had one in each hand and the other end of it was loose hanging

27 down.

28 JT: Okay. And, and both hands or one hand?

DM: Both hands he had one in each hand.

JT: Okay.

1 DM: And one just holding on to one of the sticks.
2 JT: Okay.
3 DM: And the stick was (UNINTEL) connected to the cable and hanging loose.
4 JT: Hanging down. Okay so one was in his hand and one was hanging loose. Okay, all
5 righty well that's okay....
6 DM: Yeah you know what I mean one....
7 JT: I know exactly what you are saying....
8 DM: One end of it.
9 JT: Right.
10 DM: That's hanging loose.
11 JT: Right, exactly.
12 DM: He had one nunchakus in each hand.
13 JT: Got you.
14 DM: Okay.
15 JT: And then so the person the black male turned and started to walk away from the
16 officers.
17 DM: Right.
18 JT: Ah, okay. Okay and then, then what then now let's see, let me look at my notes as he
19 turned and walk away. You turned around to see what was gonna happen?
20 DM: Right as we were driving by.
21 JT: Right, and the cars block your view?
22 DM: Yeah, there were some parked cars.
23 JT: You didn't see you didn't actually see what happen after that?
24 DM: I didn't see what happen after he walked away.
25 JT: Okay and then you heard shoots?
26 DM: Right.
27 JT: And how many shoots do you think you heard? If you could....
28 DM: Um....
JT: If you know, or you know....
DM: Approx., approximately five to seven.
JT: Okay.
DM: Somewhere in there.

1 JT: Okay.

2 DM: There's one point you didn't mention is that some point one of the officers had pulled

3 his gun out and was pointing it at the black man.

4 JT: Right, and that is as he was walking?

5 DM: I'm not sure.

6 JT: Okay, but at one point he has his gun out?

7 DM: Right.

8 JT: And the black male turns and walks away?

9 DM: Yeah.

10 JT: And then umm, and the then cars block your view and you heard some shots....

11 DM: (UNINTEL) and we're driving.

12 JT: Right, and then umm, and then you go from there. So and then last week some time

13 you did call....

14 DM: Uh, uh.

15 JT: And tried and gave your name and information about what you saw.

16 DM: Uhm, uhm.

17 JT: Okay, all rightly well ahh, I think that about covers it here David. Do you have any

18 questions of me at all? Is there anything I can answer for you?

19 DM: No, no.

20 JT: Okay and um, what I'll do here is um, you have my name and number?

21 DM: Right.

22 JT: If for some reason you think of something else, and some time this happens, you

23 know where you're talking and you tell a story and then you know, we all done this

24 where you go out and have some event tell everybody about it. And then two days

25 later you go hey, did I tell you I did this you know there's some significant event that

26 you left out.

27 DM: Uhm, uhm.

28 JT: If in fact that happens, don't feel bad about, please give me a call and say hey John I

forgot to tell you this, that or the other. And I'll just amend the report it may not, you

know I'm just telling you a lot of people feel odd about it but please don't.

DM: Well there's one point that I left out and.....

JT: Okay.

1 DM: That when we were driving in the truck I told everybody it looks like he was laying
2 down.
3 JT: Okay.
4 DM: But I don't know that for a fact.
5 JT: All right so that was....
6 DM: So that was speculation.
7 JT: Okay and that's cool and that's, and that's you know I'm glad you clarify that. And
8 um so how would let me asked this how would you describe the demeanor of the
9 police officers? Or their, their conduct, there I mean, I guess.
10 DM: I, well I didn't notice anything unusual about how they were acting other then they
11 were having difficulty.
12 JT: Okay.
13 DM: Controlling the guy.
14 JT: How about the demeanor of the black male?
15 DM: He look like he didn't want to be um, look like he didn't want have anything to do
16 with the cop.
17 JT: Okay.
18 DM: He looked angry.
19 JT: Okay, look angry.
20 DM: He acted angry.
21 JT: Okay, all righty. Well David thank you so much for giving me a call
22 DM: All right.
23 JT: [Personal data deleted] Okay, thanks again David.
24 DM: All right.
25 JT: Bye, bye.
26 DM: Bye.

27 -END OF TELEPHONE INTERVIEW –
28