

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAMES P. CHASSE, JR.; JAMES P.)
CHASSE; LINDA GERBER; and MARK)
CHASSE, individually and in his)
capacity as Personal Representative)
of the ESTATE OF JAMES P. CHASSE,)
JR.,)

Plaintiffs,)

v.)

CHRISTOPHER HUMPHREYS; KYLE NICE;)
CITY OF PORTLAND; CITY OF PORTLAND)
JOHN DOE FIREFIGHTERS/PARAMEDICS;)
PORTLAND POLICE BUREAU and OTHER)
PORTLAND JOHN and JANE DOE)
OFFICIALS; BRET BURTON; MULTNOMAH)
COUNTY; MULTNOMAH COUNTY JOHN and)
JANE DOE DEPUTY SHERIFFS and MEDICAL)
PERSONNEL; MULTNOMAH COUNTY JOHN and)
JANE DOE SHERIFF'S OFFICE and OTHER)
OFFICIALS; TRI-COUNTY METROPOLITAN)

TRANSPORTATION DISTRICT OF OREGON;)

and AMERICAN MEDICAL RESPONSE)

NORTHWEST, INC.,)

Defendants.)

No. CV-07-0189-HU

COPY

DEPOSITION OF

ERIN GLANZ

Taken in behalf of Defendants

* * *

July 16, 2008

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Portland, Oregon

Shannon K. Krska, CSR

Court Reporter



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APPEARANCES:

For the Plaintiffs:	MR. THOMAS M. STEENSON Attorney at Law 815 S.W. Second, Suite 500 Portland, OR 97204
For the Defendants Humphreys, Nice, and City of Portland:	MR. JAMES RICE Attorneys at Law 1221 S.W. Fourth, Suite 430 Portland, OR 97204
For the Defendants Burton and Multnomah County:	MS. SUSAN DUNAWAY Attorney at Law 501 S.E. Hawthorne, Suite 502 Portland, OR 97214
For the Defendant AMR:	MS. JEAN BACK Attorney at Law 1211 S.W. Fifth, Suite 1900 Portland, OR 97204

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EXHIBITS

[None marked.]

1 PORTLAND, OREGON; WEDNESDAY, JULY 16, 2008

2 11:02 AM

3 * * *

4 ERIN GLANZ

5 called as a witness in behalf of the Defendants,

6 having first been sworn by the Reporter,

7 testifies as follows:

8 EXAMINATION

9 BY MR. RICE:

10 Q. Good morning, Miss Glanz.

11 A. Good morning.

12 Q. I'm Jim Rice. We met just very briefly
13 earlier today.

14 You're here to have your deposition taken.
15 Do you understand that?

16 A. M-hm.

17 Q. And what I'm going to do or different
18 lawyers is ask you questions. And we're going to ask
19 you for a verbal response because as you're nodding
20 your head it's hard for the court reporter --

21 A. Okay.

22 Q. -- to get that down. Do you understand
23 that?

24 A. Yes.

25 Q. Okay. If I were to ask you a question or

1 any lawyer asks you a question that you don't
2 understand or it doesn't make sense, it might sound
3 garbled to you, will you stop us and then we would try
4 and rephrase the question so it makes sense?

5 A. Yes.

6 Q. And are you taking any medicine, are you ill
7 or have any lack of sleep problems that would make it
8 difficult for you today to give us your best answers?

9 A. No.

10 Q. Okay. If this case goes to trial and if
11 you're called as a witness in the case and the same
12 question is asked you in court as we had in the
13 deposition and you gave a different answer for some
14 reason, the lawyer would probably point that out to
15 the judge and the jury. Do you understand that?

16 A. Yes.

17 Q. So it's important you understand my question
18 and that I get an answer from you accurately. Okay?

19 A. Yes.

20 Q. Great.

21 If you need to take a break at some point in
22 time or need a glass of water or something like that,
23 once you've answered a question you can just say I
24 need to take a five-minute break or go do something,
25 we can suspend the deposition and take a short break.

1 Okay?

2 A. Okay.

3 Q. Great.

4 And would you give us your full name,
5 please.

6 A. Erin Glanz.

7 Q. Have you ever gone by any different names?

8 A. No.

9 Q. And what's your date of birth?

10 A. February 5th, 1976.

11 Q. And where do you live?

12 A. I live at 27th and Hawthorne. Do you want
13 the address?

14 Q. Could you give me the address, please?

15 A. [REDACTED]

16 [REDACTED]

17 Q. Okay. If you're subpoenaed for trial, it
18 might be easier for us to be able to get ahold of you
19 by telephone. Do you have either a cell phone number
20 or a best phone number of some kind that would be good
21 to get in contact with you?

22 A. Yeah. Cell phone [REDACTED].

23 Q. Okay, thank you.

24 Would you tell us your height, please?

25 A. Five sixish.

1 Q. All right. And where were you born?

2 A. Hinsdale, Illinois.

3 Q. Okay. That's a suburb of Chicago; is that
4 right?

5 A. M-hm, yeah.

6 Q. And did you live in the Chicago area when
7 you went to high school?

8 A. Yes.

9 Q. Did you have the opportunity to go to
10 college after high school?

11 A. I did.

12 Q. And where did you go?

13 A. The first time I went to University of
14 Kansas, and I just recently graduated again, another
15 bachelor, at the Art Institute.

16 Q. This is in Lawrence, Kansas --

17 A. Yes.

18 Q. -- is where the University of Kansas is?

19 Did you have a major or principal area of
20 study?

21 A. Psychology.

22 Q. One other thing, to help our court reporter,
23 I'm going to ask you to pause for a split second
24 before you give me an answer to make sure that she has
25 an easy transition for us. And by the same token, if

1 I start to cut you off before you've completed an
2 answer, let me know and I will --

3 A. Okay.

4 Q. -- quiet down, okay.

5 And did you get a bachelor's degree in
6 psychology?

7 A. Yes.

8 Q. Psychology is a pretty broad field. Would
9 you agree with that?

10 A. Yes.

11 Q. Did you have a focus within the field of
12 psychology when you did your first stint at graduate
13 school?

14 A. Not particularly.

15 Q. Did you have to write a thesis or any sort
16 of major paper at the conclusion of your studies?

17 A. I don't think so.

18 Q. All right.

19 A. I don't remember.

20 Q. And what year did you get your bachelor's
21 degree?

22 A. '97 from Kansas and --

23 Q. Okay.

24 A. -- just June 2008 at the Art Institute.

25 Q. Okay. And in between those two periods of

1 time, did you go to school continuously or did you
2 have some work history in between there?

3 A. I came back to Chicago after college the
4 first time and just waitressed and didn't want to get
5 a full-time job right away.

6 Q. Right, understandable. Your whole life you
7 have to do that.

8 A. And then moved to Florida and started
9 fashion design school there, moved to Miami to work
10 for a clothing company, and then moved to Portland
11 when my sister found out she was pregnant, so --

12 Q. And what year did you move to Portland?

13 A. I wasn't enjoying Miami and I had stopped
14 going to school, and so she was having a baby and it
15 was too far away for me to be a good aunty and they
16 have an art institute here I could finish school.

17 Q. Okay. So when did you move back to
18 Portland?

19 A. Oh, it's been about three years, so it was
20 August of 2005 then I guess, yeah.

21 Q. Okay. And you actually began your MFA
22 program in Florida; is that correct?

23 A. It's just another bachelor's in apparel
24 design so it's just a second bachelor's.

25 Q. I understand.

1 A. So a BFA.

2 Q. BFA.

3 And you came to Portland and went to the
4 Portland Art Institute; is that correct?

5 A. Yes.

6 Q. And you graduated from there?

7 A. Yes.

8 Q. I've seen their brochures and there's really
9 a wide range of subjects that they cover beyond what
10 one might think. So within that range, did you have a
11 principal field of study?

12 A. Well, I did apparel design so my senior
13 collection was women's cocktail dresses --

14 Q. Okay.

15 A. -- so --

16 Q. And have you, since that time, continued to
17 work in that field?

18 A. I'm hoping to. I'm job hunting right now
19 and it's -- I think it's going to be a little
20 challenging, but --

21 Q. All right. Are you presently employed?

22 A. I'm working at the Blue Hour while I'm doing
23 my job hunting.

24 Q. All right. And you were working at the Blue
25 Hour in September of 2006; is that right?

1 A. Yes.

2 Q. Do you recall the day that Mr. Chasse and
3 the police had their altercation?

4 A. Yes.

5 Q. Okay. And what were your duties that day?

6 A. I was the server on the patio, so for the
7 seven patio tables that were, you know, overlooking
8 the street at 13th and Everett I was the server, so I
9 was constantly going back in and out.

10 Q. Okay. When you take orders from people who
11 are sitting outside, how do those orders end up to
12 either the bartender or the kitchen or wherever the
13 beverage or food would be provided to them?

14 A. I have to go inside to ring them into the
15 computer.

16 Q. Okay. So do you take notes outside or do
17 you do it by memory and then go in?

18 A. Usually by memory unless it's really busy --

19 Q. Okay.

20 A. -- and then I take notes.

21 Q. Back on September of '06 when you were
22 working that day, did you have to wear glasses or have
23 a hearing aid, anything that would help you with your
24 perception?

25 A. No.

1 Q. Okay. Have you had any training in
2 psychology beyond what you encountered at the
3 University of Kansas?

4 A. Not any training, no.

5 Q. Okay. Do you have any work experience in
6 the field of psychology?

7 A. No.

8 Q. Other than fashion which I suppose has a
9 psychological component to it.

10 Were you ever in the military?

11 A. No.

12 Q. How about do any work with law enforcement
13 people?

14 A. No.

15 Q. Emergency medical training, anything like
16 that?

17 A. No.

18 Q. Okay. Since the incident we've asked you to
19 come in here and testify, has someone talked to you
20 about what a deposition is?

21 A. Yes.

22 Q. And who was that?

23 A. Tom.

24 Q. Mr. Steenson?

25 A. M-hm.

1 Q. And did you meet with him ahead of time so
2 he explained the procedure?

3 A. Just by phone.

4 Q. Okay. And do you have any questions about
5 what your duties are here today?

6 A. No.

7 Q. Okay. It's really to give your best answer
8 and answer truthfully. You understand that?

9 A. Yes.

10 Q. All right. Have you ever had a chance to --
11 Mr. Chasse who passed away that day, did you ever meet
12 him, by any chance?

13 A. No.

14 Q. And how about his family members, have you
15 ever met any of them?

16 A. No.

17 Q. Okay. Have -- you've been interviewed by
18 individuals regarding this incident; is that right?

19 A. Yes. By, what was his name? I can't recall
20 his name, but he said he was a -- he used to be in the
21 FBI and he was -- I don't know.

22 Q. A police agency person?

23 A. Yeah.

24 Q. All right. Do you know how many times
25 you've been interviewed?

1 A. That was the only time.

2 Q. Okay. Did you testify before the grand
3 jury?

4 A. No.

5 Q. All right. Have you, before coming in here
6 today, reviewed anything?

7 A. I just got sent the original police report
8 that just had the couple like sentences --

9 Q. Okay.

10 A. -- so I looked at that.

11 Q. That was it?

12 A. Yes.

13 Q. All right. Have you had any -- such as has
14 come up with someone, have you had any traumatic
15 experiences to your head that might affect your head
16 since the date of this incident?

17 A. No.

18 Q. Do you recall what day of the week it was
19 when you saw Mr. Chasse's encounter with the police?

20 A. I believe it was a Sunday.

21 Q. Okay. How crowded was Blue Hour that day?

22 A. Not very. I mean, there might have been
23 maybe four out of the seven tables had people at. I'm
24 not -- I'm not positive.

25 Q. Okay. You actually serve alcohol as part of

1 your duties --

2 A. Yes.

3 Q. -- is that right?

4 Am I right that a server of alcohol is
5 prohibited from drinking alcohol the same day --

6 A. Yes.

7 Q. -- that they're serving?

8 And had you had any alcohol that day?

9 A. No.

10 Q. And was there any other employees of Blue
11 Hour that you're aware of who were working with you
12 outdoors that day on that patio or is that just one
13 person's responsibility?

14 A. It's one person's responsibility, but
15 everybody helps. If drinks come up to the bar and
16 have a ticket that say they go to a patio table any
17 server will run those out, any server will run food
18 out, a lot of times they'll come out to help pour
19 waters or to help bus the tables. And I think in that
20 case people came out to see what was going on so I was
21 not the only one out on the patio.

22 Q. All right. Do you recall anyone else by
23 name, today, who was out there on the patio at the
24 time this incident took place?

25 A. I know Ben Person was I think driving to

1 work and saw; and then I know our manager Franco, I
2 don't remember his last name; and -- and then one of
3 the other bartenders, Jamie Marquez, I think took some
4 pictures with his cell phone.

5 Q. And when you say bartender, to me that means
6 someone who's working principally inside, is that
7 correct, or is there a bar outside as well?

8 A. I don't know if he had just gotten off his
9 shift from the day. I don't think he was behind the
10 bar.

11 Q. Okay.

12 A. I -- I don't know if he just wasn't working
13 that day and just was there or -- I'm not exactly sure
14 of the details.

15 Q. Okay. When you made your observations of
16 whatever transpired that day, were you always on the
17 patio or did you ever leave the patio?

18 A. I left the patio multiple times.

19 Q. And when you left the patio, could -- where
20 were you?

21 A. Inside the restaurant so near the bar area
22 or in the coffee room or near the kitchen.

23 Q. Okay. And is that because your duties
24 required you to take orders and move back and forth
25 between the patio and the interior of the building?

1 A. Yes.

2 Q. When you were on the inside of the building,
3 could you still see or hear things that were taking
4 place outside?

5 A. I couldn't see anything. I may have
6 heard -- I don't -- I don't recall if I could hear
7 inside. It seemed loud outside so I would think that
8 I could, but I don't -- I don't recall hearing
9 anything when I was inside.

10 Q. Am I correct that inside the building once
11 you enter it there are curtains?

12 A. Yes.

13 Q. And are -- are those curtains open or closed
14 at this time?

15 A. During the day they're generally open.

16 Q. Okay.

17 A. And I think it was -- I think I had just
18 started the shift so I think it was around five or
19 something so they usually keep them rel -- you know,
20 like halfway open.

21 Q. So they're partially open which means there
22 are gaps for people to walk in and out?

23 A. M-hm.

24 Q. What was the first indication to you that
25 something was taking place out in the street that

1 involved Mr. Chasse?

2 A. I heard running and it was coming down
3 Everett and -- and so I just heard like feet first and
4 then heard just kind of a thud as -- and I looked and
5 I saw people struggling on the ground.

6 Q. Okay. So is the first time you looked up to
7 see something when you heard that thud noise?

8 A. Yes.

9 Q. So did you see anyone actually in mid air or
10 were they all on the ground when you first observed
11 them?

12 A. I believe they were on the ground when I
13 first observed.

14 Q. And when you looked on the ground, what did
15 you see?

16 A. I can't remember if it was two police
17 officers or three. I don't -- I know that there was
18 like a small group but I don't remember how many there
19 were. And then there was a man that was very agitated
20 and they were trying to restrain him I guess.

21 Q. Okay. And when you say very agitated, can
22 you be more descriptive than that?

23 A. It was really loud guttural screaming and
24 flailing and just kind of -- and like once I heard
25 that thud they must have gotten back up or something

1 because it was a -- you know, it was a struggle to try
2 to get him to put his hands behind his back or -- you
3 know, I guess they were trying to arrest him
4 obviously, but they weren't seeming to be having
5 success.

6 Q. Okay. When you say flailing, to me that
7 means someone moving their arms and/or legs back and
8 forth --

9 A. And kicking, yes.

10 Q. -- rapidly.

11 And kicking?

12 A. Yes.

13 Q. So Mr. Chasse's moving his arms back and
14 forth?

15 A. (Nods head.)

16 Q. And he's kicking with his feet?

17 A. Yes.

18 Q. And is he standing up and he's doing this
19 or --

20 A. No.

21 Q. -- is he kneeling or is he lying down on the
22 ground?

23 A. There were -- I don't recall exactly. I
24 know that at some points he was lying on the ground,
25 other points I don't know if they might have had him

1 from the waist 'cause it seemed like there was still a
2 lot of movement. I don't remember exactly. I think
3 the struggle happened in multiple ways and places so I
4 don't know for sure.

5 Q. I would think someone with an apparel
6 background might have an eye toward detail of size.
7 Is that right?

8 A. M-hm.

9 Q. Did you notice anything about Mr. Chasse's
10 size?

11 A. I noticed he was tall and very skinny.

12 Q. And how about the police officer, is there
13 anything remarkable about them that you recall?

14 A. Not that -- no. I mean, I noticed that they
15 were -- they were obviously larger in size than he
16 was. You know, it seemed -- I would think they would
17 be stronger.

18 Q. All right. Were you surprised at
19 Mr. Chasse's strength in dealing with three officers?

20 MR. STEENSON: Objection, argumentative.

21 Q. (By Mr. Rice) Mr. Steenson may or some other
22 lawyer may, at times, make an objection like that, and
23 the court reporter takes all that down, and that's for
24 a judge maybe to deal with down the road, but you can
25 go ahead and answer the question.

1 A. Okay. Yes, I was surprised at his strength.

2 Q. Okay. And was he fending off the officers
3 so that they couldn't control him?

4 A. Yes, they -- they couldn't seem to restrain
5 him.

6 Q. Did anything about his flexibility strike
7 you as unusual?

8 A. I don't really recall anything about
9 flexibility.

10 Q. All right. Did you see any of the officers
11 strike Mr. Chasse?

12 A. I did not.

13 Q. Okay. Did you see any of the officers kick
14 Mr. Chasse?

15 A. I didn't, but I remember hear -- you know,
16 like hearing somebody say that they did. Every time
17 I'd come out on the patio the -- you know, people
18 would be saying that this just happened or that just
19 happened, so I think I heard that. I didn't see it.

20 Q. Okay. And what we're really interested
21 here --

22 A. Is what I see.

23 Q. -- primarily is what you --

24 A. Okay.

25 Q. -- saw, heard, smelled, felt, touched, you

1 know, using your senses.

2 A. Okay.

3 Q. Did you see any police officer or law
4 enforcement person use any kind of an object on
5 Mr. Chasse such as a baton?

6 A. I didn't see that there was a Taser, but I
7 was told that there was.

8 Q. Okay. But you didn't see that happen?

9 A. No.

10 Q. Did -- did you hear anything -- do you know
11 what a Taser sounds like?

12 A. No.

13 Q. Did you see Mr. Chasse ultimately
14 handcuffed?

15 A. I don't recall exact -- I'm assuming that he
16 was because eventually they got him into the -- into a
17 either police car or ambulance, and I don't remember
18 which, but eventually that there was an end to the
19 struggle, so I -- I would assume that he left in
20 handcuffs.

21 Q. Okay. Did you ever see him on the ground
22 with handcuffs on?

23 A. I don't remember if he had them on or not.
24 I saw him on the ground. I don't remember.

25 Q. Did you ever hear Mr. Chasse say a word or

1 yell a word that you recognized?

2 A. No.

3 Q. When he was yelling, is there anything you
4 can describe about either the pitch or the tone or the
5 volume or the loudness about the yelling?

6 A. It was very loud, really high pitched, just
7 -- like I just think guttural or something is the word
8 that I -- it just seemed animalistic or something.

9 Q. Okay. And did you ever hear the police
10 officers say anything to Mr. Chasse during -- either
11 during the struggle or afterwards?

12 A. I think I recall them yelling, you know, put
13 your hands behind your back or lay down on the ground
14 or, you know, something in the -- along the lines of
15 put your hands behind your back. I mean, I don't
16 remember exactly what the words were, but they were
17 trying to tell him to calm down I suppose. I don't --
18 I don't remember the exact words.

19 Q. All right. Did you hear the police officers
20 say anything among themselves back and forth?

21 A. No.

22 Q. Were you ever aware that there were
23 ambulance or fire bureau people who came upon the
24 scene?

25 A. I remember there was a couple cars that had

1 pulled up, but I don't remember if it was a police
2 car, an ambulance. I don't recall which.

3 Q. Did you see anyone assisting Mr. Chasse in a
4 way that you might think that's not a police officer
5 but someone from an EMT or a paramedic?

6 A. I recall once he was unconscious on the
7 ground and was -- there was -- I don't remember if it
8 was a woman, I don't know why I kind of think that,
9 but somebody that was administering CPR it looked
10 like.

11 Q. Okay. And you mentioned you thought he was
12 unconscious. When you observed that, were you looking
13 at his face or from his side or rear view?

14 A. He was -- he was laying on the ground and so
15 I think he was face up --

16 Q. Okay.

17 A. -- so just -- I concluded that he was
18 unconscious because the flailing after, you know, it
19 just stopped and he was motionless.

20 Q. So he was flailing and then he stopped
21 moving; is that right?

22 A. Completely stopped moving.

23 Q. How long did you observe him when he was not
24 moving or still?

25 A. You know, from going in and out -- and to be

1 honest, I was trying not to see as much as I could
2 because it was such an uncomfortable thing to witness.
3 But it seemed like quite a while. I don't know, you
4 know, if -- I don't know, ten minutes or something. I
5 don't -- I don't really recall. I don't know that I
6 can say that comfortably.

7 Q. Okay. So I guess what I'm saying is you
8 can't give us an accurate estimate of that time --

9 A. I don't think so.

10 Q. -- is that right?

11 A. Yes.

12 Q. When you saw Mr. Chasse, do you recall what
13 kind of clothing he was wearing?

14 A. I don't recall anything, any details. I
15 just -- I think -- and I don't know if -- no, I guess
16 I don't really recall any details.

17 Q. Okay. When he was still, did you, from your
18 perspective, have the ability to determine whether he
19 was unconscious or just laying still?

20 A. He appeared unconscious to me.

21 Q. Okay. When that was transpiring, did you
22 hear any conversation between -- were the medical
23 people there when that was occurring?

24 A. I don't remember.

25 Q. Was there -- around that time, did you hear

1 any conversation among any of the police officers?

2 A. No.

3 Q. Did you see any emergency technician or
4 paramedic perform any tests on Mr. Chasse or take care
5 of him in any way?

6 A. I saw what it looked like CPR. That's the
7 only thing that I really recall.

8 Q. Okay. And the CPR that you thought you
9 observed, was a police officer doing that, was a
10 paramedic or EMT doing that?

11 A. I think it was a paramedic or EMT, but I'm
12 not -- I can't say for certain.

13 Q. Okay. Is there any conversation going on at
14 that time that you recall?

15 A. No. I mean, from where we were at on the
16 patio and they're kind of across the street, if there
17 were words between them, unless they were yelling, we
18 wouldn't be able to hear them.

19 Q. And as you were looking at Mr. Chasse, were
20 there any police officers between you and Mr. Chasse?

21 A. There could have been, you know, one
22 standing in front. I don't -- I don't recall.

23 Q. Okay. Did you see additional police cars
24 come to the scene?

25 A. Yes.

1 Q. Okay. Did you ever talk with any of the
2 police officers at all?

3 A. Later that evening before -- right after my
4 shift was getting over, so it must have been maybe
5 nine or ten o'clock, a police officer came in to talk
6 to those of us at the restaurant --

7 Q. Okay.

8 A. -- to see if -- give my statement.

9 Q. Do you recall that person being the same
10 person that was at the scene earlier or was that
11 someone different or don't you know?

12 A. I don't -- I don't think so.

13 Q. Okay. You don't think it was the -- someone
14 at the scene?

15 A. I don't believe so.

16 Q. All right. Are you social friends with any
17 of the people you work with, Mr. Marquez or any of the
18 other servers there?

19 A. Yes.

20 Q. Okay. And Mr. Marquez comes to mind because
21 you mentioned him last. Do you see him on a regular
22 basis?

23 A. No. He stopped working at Blue Hour and
24 works at another place just a block away. He comes
25 into the restaurant sometimes, but I don't see him

1 very often.

2 Q. Do you know where he works?

3 A. He was working at District and I know for a
4 time being he was working at Aquariva. I think -- I
5 think the last one I knew it was District, so --

6 Q. That evening did Mr. Marquez say anything to
7 you about what he had observed?

8 A. He -- I don't recall exactly. I mean, he
9 said he observed him getting Tased. I think he might
10 have been the one that said he observed him getting
11 kicked. I re -- I remember vaguely like he went to --
12 I don't know if he went to the funeral or something or
13 he had some sort of interaction with the family.

14 Q. Okay.

15 A. But I don't -- you know, the details are
16 fuzzy. I just kind of vaguely remember him 'cause I
17 think because the picture he took on his cell phone
18 was the one that was published in The Oregonian or
19 Mercury or something like that, so I think they were
20 in contact with -- he was in contact with the family
21 because of that --

22 Q. Okay.

23 A. -- I guess.

24 Q. Have you had any conversations with him
25 about either your memory or his memory since the

1 event, since that night?

2 A. No, I don't think so.

3 Q. Okay. Getting back to the scene, you
4 indicated earlier that at some point Mr. Chasse was
5 taken from the scene?

6 A. Yes.

7 Q. Is there -- prior to talking about that, is
8 there anything you observed that night that we've not
9 discussed?

10 A. No, I don't think so.

11 Q. Okay. Then we'll kind of move on to --

12 A. Okay.

13 Q. -- that next phase.

14 Did you see Mr. Chasse leaving the area
15 there at 13th and Everett?

16 A. I don't remember seeing him -- like I said,
17 I don't know if he left in the back of a police car or
18 an ambulance. All I know at some point all the cars
19 and all the commotion was gone. So at some point he
20 was taken away, but I don't -- I didn't see him get
21 into a car or get into an ambulance.

22 Q. Okay. At that -- you've mentioned earlier
23 that this was an uncomfortable thing to observe. Is
24 that right?

25 A. Yes.

1 Q. Were you intentionally, at times, not paying
2 attention to what was happening on the street?

3 A. Yes.

4 Q. Okay. Were you upset with what you saw?

5 A. Yes.

6 Q. Was it shocking?

7 A. Yes.

8 Q. So what was your emotional state, do you
9 think, at that time?

10 A. I felt sick. I just -- I think I also, I'm
11 not -- you know, some -- an accident people -- some
12 people like to look. I don't. I don't like to see
13 that. I don't -- so yeah, it was very upsetting.

14 Q. Either living in Chicago or Hinsdale or
15 Miami or other places, have you seen people arrested
16 on the street before where there was an altercation?

17 A. I might have seen, you know, like a -- I
18 don't remember any specifics. I mean, I might have
19 seen somebody, you know, drunk or something and taken
20 away at some of the concerts.

21 Q. But not like a real struggle like this?

22 A. No.

23 Q. Okay. So if I'm correct, you didn't see
24 Mr. Chasse leave, suddenly just the police cars are
25 gone. Is that right?

1 A. Yes. And at one -- and then I just
2 remember there was -- they still had the intersection
3 blocked off because then they had other -- other
4 officers or some sort of authorities that were, I
5 don't know, looking for evidence or something I guess.

6 Q. Okay.

7 A. So -- and then I remember like the news
8 being there, but at this point he wasn't -- Mr. Chasse
9 was not still there.

10 Q. Okay. Did you see any particular officer
11 doing anything that might appear to be they were
12 investigating?

13 A. That might appear to be their own
14 investigating, is that what you said?

15 Q. Yes.

16 A. I couldn't distinguish between -- it seemed
17 like there were different people, but I couldn't be
18 sure if any of the officers involved in the
19 altercation were still there or not.

20 Q. And you didn't speak to any of the
21 officers --

22 A. No.

23 Q. -- is that right?

24 A. Except for the one that came back later that
25 night.

1 Q. Correct.

2 Did you ever talk to any of the medics that
3 day?

4 A. No.

5 Q. How did you learn that Mr. Chasse had died?

6 A. I -- I don't know if the next day if it was
7 maybe somebody at work that --

8 Q. Okay.

9 A. -- might have said remember what happened
10 last night or something like that. I do remember
11 reading the story maybe a day or two later or that
12 next week's Mercury I think it was, but I feel like
13 I -- I knew before then. I think it was the next day.

14 Q. Okay. Do you regularly read The Oregonian?

15 A. I usually just read the -- you just do the
16 crossword puzzles. I just read that How We Live
17 section unless something's, you know, interesting on
18 the front, but --

19 Q. All right. And the Mercury, is that a
20 source of news for you?

21 A. Yes.

22 Q. And that's a weekly paper; is that right?

23 A. Yes.

24 Q. And is that what you gain news from?

25 A. Sometimes.

1 Q. Okay. And did you follow stories about
2 Mr. Chasse in the Mercury?

3 A. I noticed the headline and I definitely was
4 interested in reading it because of the --

5 Q. The incident?

6 A. Yes.

7 Q. You were a witness to a part of it at least.

8 A. Yes.

9 Q. And had you continued to read the Mercury
10 regarding Mr. Chasse?

11 A. I haven't -- I read one article that talked
12 about the family filing a civil suit.

13 Q. Okay.

14 A. But I don't -- I don't remember much of the
15 details about it, but I do remember hearing that.

16 Q. All right. You yourself took no photographs
17 of anything that day --

18 A. No.

19 Q. -- is that right?

20 And same goes with video?

21 A. No.

22 Q. When the police officers at one point were
23 standing around and Mr. Chasse was on the ground, did
24 you notice anything about their physical condition?

25 A. No. I -- again, I heard -- you know, I

1 guess -- well, it doesn't matter. I heard somebody
2 say when he was bitten or something, but I didn't see
3 anything that would have indicated that to me.

4 Q. Okay. Did you notice, I mean, were they
5 huffing and puffing or sweaty or anything like that?

6 A. I guess they would be kind of sweaty because
7 it was kind of an intense struggle, but I didn't
8 notice sweat.

9 Q. Have you filed any statements about what you
10 saw other than talking to the investigator, the police
11 officer that you've told us about here today?

12 A. No.

13 Q. Okay. That's all the questions I have.
14 Thank you for coming down here today.

15 A. Okay.

16 Q. Some of the other lawyers might want to ask
17 you some questions.

18 A. Okay.

19 EXAMINATION

20 BY MS. DUNAWAY:

21 Q. I just have a few follow-up questions.

22 A. Okay.

23 Q. And I'm Susan Dunaway. I'm with the county.

24 A. Okay.

25 Q. When you were watching the struggle on the

1 street, did you happen to notice what color the
2 uniforms were on the police officers?

3 A. I think Navy. I can't be a hundred percent
4 sure.

5 Q. Okay. Did you -- do you recall whether or
6 not you saw anyone in green?

7 A. I don't believe so, but I -- again, I'm
8 not -- it's kind of foggy.

9 Q. You weren't focused on the colors of the
10 uniforms?

11 A. No.

12 Q. Okay. Do you recall how long the struggle
13 went on?

14 A. It seemed like a long time, but I don't know
15 if just because it was, you know, something that was,
16 you know, seemed uncomfortable -- I don't feel really
17 comfortable estimating. The same with being on the
18 ground, with being in and out it's hard for me to have
19 any sort of an accurate guess of how long.

20 Q. Because there was so much emotion it's hard
21 to approximate the time; is that --

22 A. Yes.

23 Q. -- what you're saying?

24 A. Yes.

25 Q. Okay. When you found out approximately the

1 next day that Mr. Chasse had died, were you surprised
2 or was that something that you were kind of expecting?

3 A. I was surprised. It's -- I mean, yeah, I
4 just remember hearing some of the details, that I was
5 surprised that I guess he was taken to jail instead of
6 the hospital, and then hearing that he had died in
7 transit with just -- yeah, it was surprising and sad.

8 Q. But based on what you were observing the day
9 of the incident, did the -- the incident as it was
10 unfolding before your eyes, did it seem like the type
11 of incident where you would expect the next day to
12 hear that Mr. Chasse died?

13 MR. STEENSON: Objection, calls for
14 speculation.

15 THE WITNESS: I don't know really much about
16 Tasers or the effects of them, so I -- it -- you know,
17 I don't know if that's something that happens. I was
18 surprised, though, that that was the result.

19 Q. (By Ms. Dunaway) But -- and other than the
20 Taser then, you would be surprised --

21 A. Yes.

22 Q. -- that Mr. Chasse had died?

23 MR. STEENSON: Same --

24 THE WITNESS: Yes.

25 MR. STEENSON: Same objection.

1 Q. (By Ms. Dunaway) Did Mr. Chasse appear to be
2 agitated at all during the struggle with the police
3 officers?

4 A. Yes.

5 Q. Did you form any kind of opinion with regard
6 to what might be going on with Mr. Chasse as you were
7 observing the struggle?

8 A. There was kind of talk around the patio that
9 it might be drugs or something because it seemed like
10 a scrawny man shouldn't have been able to out --
11 over -- you know, overpower two or three officers, so
12 it seemed kind of like one of those, you know, super-
13 human strength or something like that which I would
14 associate with drugs 'cause I don't know how -- or
15 maybe just a lot of adrenaline. I don't -- I don't
16 know. It seemed like there -- you know, and I don't
17 know if maybe adrenaline can give you that kind of
18 strength, but --

19 Q. Well, was there talk then on the patio
20 amongst the customers and the servers that it looked
21 like Mr. Chasse might be on drugs?

22 A. That's kind of what I recall, just, you
23 know, hearing kind of little bits of stuff when I'd
24 come out and go back in. I'd come out and somebody
25 would say he just got, you know, Tased three times or

1 something. You know, it was just kind of I remember
2 little buzzes of, oh, he must be on drugs or something
3 like that, but I don't -- I obviously don't have any
4 way to know that for sure.

5 Q. Have you ever had any experience with people
6 who are using illegal drugs?

7 A. I --

8 MR. STEENSON: Well, I'm going to -- I don't
9 represent you, but I think that, to the extent that
10 you're inquiring about potential criminal activity, I
11 think it's really inappropriate and I don't know what
12 the possible materiality or relevancy of it would be
13 and I don't think a witness should have to be
14 subjected to that in this case.

15 Q. (By Ms. Dunaway) I'm not asking you to make
16 a criminal confession.

17 MR. STEENSON: Well, but if the question --

18 MS. DUNAWAY: What I'm asking is whether or
19 not --

20 MR. STEENSON: If the question's going to go
21 there, whether you're trying to do it or not, it's
22 really inappropriate. You know that.

23 Q. (By Ms. Dunaway) You can answer the
24 question.

25 MR. STEENSON: There were no drugs in this

1 case. I mean, why are you even going here with this?

2 Q. (By Ms. Dunaway) You can answer the
3 question.

4 MR. STEENSON: You don't have to answer the
5 question if you choose not to. Let me just tell you
6 what can happen. If you think a question is personal
7 or invasive, if you think it's a question that
8 potentially involves some discussion of criminal
9 activity 'cause she's asking about illegal drugs, you
10 have a choice, as a witness, not to answer the
11 question, and if Miss Dunaway or someone wants to
12 raise the issue with the judge they can, perhaps by
13 phone today, perhaps at another point in time, and the
14 judge would make a decision whether or not you have to
15 answer that particular question.

16 I don't represent you. It's not something
17 I'm directing you to do or instructing you to do. But
18 my opinion is that it's an inappropriate inquiry in
19 this case. It's your decision what to do about the
20 question.

21 THE WITNESS: Okay. Well, I --

22 Q. (By Ms. Dunaway) We are adverse in this
23 case, in case you didn't understand that.

24 I don't want to have to bring you back for
25 another -- for another deposition. What I am asking

1 is whether or not you have ever observed someone and
2 what their mental state is like when they are using an
3 illegal substance.

4 A. No.

5 Q. You've never seen anybody even in the -- in
6 the Pearl District or in the area in which you work
7 who you perceived to be high on drugs?

8 A. Well, I guess -- I mean, I guess I've seen
9 like some homeless people walking around that yell
10 stuff into the air and, you know, I -- I'm guessing
11 that might be drugs or I don't know if it's just
12 mental. I mean, I -- I don't really know.

13 Q. Have you observed people like that as an --
14 in the area where you work at the Blue Hour?

15 A. Sometimes. I mean, I don't recall exact
16 examples. I -- I mean, I've seen people that I think
17 are acting weird but I don't know that they're
18 necessarily using drugs.

19 Q. Okay. But they're -- in your estimation,
20 they're acting weird and you can't tell if they're
21 using drugs or if there's some underlying mental
22 problem with them; is that what you're saying?

23 A. Yes.

24 Q. Okay. During -- during the struggle, as
25 you're walking in and out, you said that there was

1 some discussion amongst the patrons and -- and
2 employees that Mr. Chasse may have been on drugs,
3 that --

4 A. People were speculating.

5 Q. Speculating.

6 Did -- was anybody speculating as to whether
7 or not Mr. Chasse might be mentally ill?

8 A. There might have been speculation about that
9 as well.

10 Q. So there was speculation both that he could
11 have been on drugs or he could have been mentally ill?

12 A. Yes.

13 Q. Okay. After you observed the -- the
14 struggle with the -- Mr. Chasse and the police
15 officers, did you come to any conclusion in regard to
16 anything that you, just as a citizen, believed that
17 the police could have done differently?

18 MR. STEENSON: Objection to the extent it
19 calls for speculation.

20 Q. (By Ms. Dunaway) You can answer.

21 A. I -- I don't -- I think the situation was
22 pretty awful all the way around. I don't know -- I
23 don't really even know still how I feel about it. I
24 don't know if -- if I feel like the right thing was
25 done or if it could have been handled differently

1 because I have never seen a situation like that and I
2 don't know what alternative -- I don't know what
3 protocol is, I don't know any of that, so I don't
4 really know. I can't really say whether or not I
5 agree with the way it was handled.

6 Q. Okay. You're neutral at this point?

7 A. M-hm.

8 Q. Okay. I'm taking it from your last
9 response, though, that you never made any complaints
10 about what you saw that day to either Portland Police
11 or Multnomah County or any kind of citizen watch group
12 that watches police activities in the Portland area --

13 A. No.

14 Q. -- is that right?

15 During the struggle, would you say that you
16 were both inside and outside the restaurant about an
17 equal amount of time?

18 A. I was probably inside more because I wasn't
19 trying to -- I, you know, went out to do my duties but
20 I did not stay out there.

21 Q. Prior to this particular incident, had you
22 ever seen anyone arrested?

23 A. Not that I can recall. I don't -- I mean,
24 on TV or whatever. I don't remember, you know, ever
25 seeing anybody.

1 Q. And prior to this incident, had you ever had
2 any contact with police at all, either traffic ticket,
3 you needed to make a complaint about a neighbor?

4 A. Have I ever had contact with the police?

5 Q. Right.

6 A. I was -- I got a DUI in Florida, so that was
7 contact with them.

8 Q. Okay. And how did the -- how did the police
9 treat you during that incident?

10 A. He treated me well.

11 Q. Any other contact, either --

12 A. My friend -- you know, one of my friends I
13 grew up with became a cop, but I don't -- I haven't
14 really had any --

15 Q. And have you ever had any need to like call
16 the police because a neighbor's dog's barking too loud
17 or --

18 A. No.

19 Q. -- any --

20 Okay. Now, I just want to make sure that I
21 heard your testimony correctly. Your perception of
22 Mr. Chasse, as the struggle is going on, is that your
23 perception -- your perception was that Mr. Chasse had
24 appeared to have super-human strength?

25 A. Yes.

1 Q. Okay. I don't have any more.

2 EXAMINATION

3 BY MS. BECK:

4 Q. Hi there.

5 A. Hi.

6 Q. I introduced myself to you before. I'm Jean
7 Back, and I represent the ambulance company --

8 A. Okay.

9 Q. -- and the paramedics that arrived at the
10 scene. And so I just have a few questions with you
11 about what you remember of their involvement with this
12 whole situation.

13 Do you remember -- do you remember an
14 ambulance arriving at the scene?

15 A. I think so. Like I said, I think that there
16 was one car that pulled up and then there was another.
17 I think one was a cop car and one was an ambulance,
18 but I don't really -- I don't really remember exactly.

19 Q. Would you be able to remember whether there
20 were -- was ambulance and fire fighters at the scene?

21 A. I don't remember anything about a fire truck
22 or anything, so I -- but there could have -- you know,
23 I don't know. There could have been. I don't have
24 any recollection.

25 Q. Is your -- when you say that you remember

1 that Mr. -- you observed Mr. Chasse unconscious or at
2 least that's your perception, was that -- when was --
3 was that before -- before the ambulance arrived at the
4 scene or after the ambulance arrived at the scene?

5 A. I believe it was before.

6 Q. And then you remember that you thought
7 someone was performing CPR --

8 A. Yes.

9 Q. -- on Mr. Chasse?

10 What did that person look like?

11 A. I don't know. Like I said, it -- I have a
12 vague recollection it might have been a woman. I
13 don't -- I really don't remember anything about what
14 they looked like.

15 Q. When this person -- and this is something
16 that you saw?

17 A. Yes. I mean, just briefly saw somebody
18 leaning over him and I would imagine -- my guess was
19 that they were administering some sort of CPR.

20 Q. Did you see the person who was leaning over
21 him put their hands on him at all?

22 A. I kind of feel like their back was to me so
23 I don't -- I didn't really see what they were doing.
24 I think I just assumed that somebody was trying to
25 revive him.

1 Q. Okay. Do you -- did you hear any words by
2 the person who was attending to Mr. Chasse at that
3 time?

4 A. No.

5 Q. And did you hear Mr. Chasse say anything to
6 that person or anyone else?

7 A. No.

8 Q. So you didn't hear Mr. Chasse say any words
9 at all?

10 A. Other than the screaming, but once he was
11 unconscious then there was no sound.

12 Q. Okay. And do you -- other than the person
13 leaning over and attending to Mr. Chasse in whatever
14 way that was happening, do you remember seeing
15 anything that you would commonly know to be a vital
16 sign like someone taking his pulse or blood pressure
17 or anything like that?

18 A. I don't recall.

19 Q. And I'm sorry if this question has been
20 asked so forgive me for that, but do you remember how
21 long into the -- into this incident it was that you
22 might have seen an ambulance arrive?

23 A. I don't know. I mean, it -- yeah, I
24 don't -- I don't really.

25 Q. When the ambulance -- did the ambulance

1 arrive, though, after he was on the ground and laying
2 down?

3 A. Yes, if -- and, you know, like I said, I
4 don't -- I know that there was a couple vehicles
5 there. I don't even remember specifically noticing
6 the ambulance so I don't -- you know, the details of
7 that I'm --

8 Q. Do you know whether the woman that was
9 attending to him would have -- had the opportunity to
10 observe the altercation that occurred?

11 A. I don't believe so.

12 Q. Did you hear any conversation between the
13 woman that was -- person that was attending to him and
14 any of the police officers at the scene?

15 A. No.

16 Q. Do you remember anything else about the
17 ambulance, paramedics, medical care, anything like
18 that?

19 A. No.

20 Q. Okay. Were -- were you able to see, after
21 the person who was attending to him arrived, whether
22 he was conscious at -- at that time?

23 A. I vaguely remember that at one point he
24 got -- you know, I don't know if sat up or something
25 like that, and then it gets really foggy because I --

1 I don't remember if I just heard that he got Tased
2 again, I don't remember if he started, you know,
3 screaming and stuff again. I don't -- you know, I
4 don't -- I don't really remember. I believe that he
5 was conscious when he was taken away. I don't
6 remember a stretcher or anything like that, so I -- I
7 think that he, you know, was able to stand when he was
8 taken away. I'm not positive.

9 Q. You didn't see him taken away at all?

10 A. No.

11 Q. All right. So you didn't make any
12 observations about whether he stopped breathing at any
13 point in time?

14 A. No.

15 Q. Did you observe Mr. Chasse to be favoring
16 any part of his body at any point after the paramedics
17 arrived?

18 A. What do you mean by favoring?

19 Q. Indicating making some nonverbal indication
20 that he was hurt.

21 A. I don't remember seeing -- I don't remember
22 seeing him limp or anything like that, but I remember
23 -- I don't remember if it was one of his arms or one
24 of his legs when he was unconscious looked like it was
25 bent in the wrong direction, but I don't remember

1 which. I just kind of vaguely remember it like that
2 looks weird.

3 Q. And when -- when you say that he was
4 unconscious, were you able to see whether his eyes
5 were open at that period of time?

6 A. I don't think I could. I think I would
7 think they were closed, but I don't -- I don't know.

8 Q. But your feeling that he was unconscious is
9 based primarily on the fact that he stopped struggling
10 after he was subdued?

11 A. Yeah. He was just kind of laying like a rag
12 doll, no -- you know, no movement, no nothing, so I
13 just -- you know, it seemed unresponsive.

14 Q. Did you observe anybody to try and touch him
15 at that point in time?

16 A. I -- I don't recall anybody -- I mean, I
17 just remember the one person leaning over. I don't
18 know that -- if anybody else did or didn't. I don't
19 know.

20 Q. Did you hear anybody mock Mr. Chasse at any
21 point in time?

22 A. Any of the officers you mean or --

23 Q. Any of the -- any of the officers or medical
24 people or whoever was down there attending to him or
25 around him.

1 A. I don't believe so.

2 Q. And how old did -- did Mr. Chasse appear to
3 you at the time?

4 A. I think -- I mean, he had gray kind of, you
5 know, scraggly hair. I'm not -- I would maybe say
6 like 40s or something. I don't -- I don't know.

7 Q. And just based on your observations, would
8 you be able to say that you knew that he was mentally
9 ill?

10 A. I could not say that for sure.

11 Q. I have no further questions. Thank you so
12 much.

13 EXAMINATION

14 BY MR. STEENSON:

15 Q. I have a few questions.

16 Did you ever notice any change in
17 Mr. Chasse's skin color?

18 A. No, not that I -- not that I recall.

19 Q. We sent you a copy of I think it was a
20 two-page report, and on page 2 of the two -- of 2 it
21 had a summary about an interview of you by someone.
22 Do you recall getting that from us?

23 A. Yes. Was that just that it was like a
24 couple sentences or something?

25 Q. Yes.

1 A. Yes.

2 Q. The part that talks about you says Erin
3 Glanz said she was outside serving customers and then
4 it goes on. Up above that it says, referring to the
5 officer who's writing the report, on Sunday, September
6 17, 2006, at approximately 17:30 hours I contacted the
7 staff at the Blue Hour restaurant, and then it
8 discusses talking to the manager, Mr. Damico,
9 yourself, and Mr. Person. 17:30 is military time and
10 that would be 5:30, if this is correct, in the
11 afternoon. Was it that early or was it later that
12 night when you were talked to?

13 A. It was later that night when I was talked
14 to. I -- 5:30, my memory is that that -- the incident
15 was still --

16 Q. Right.

17 A. -- kind of going on. And there was a while
18 between when people were kind of investigating the
19 scene, it got dark out, news crew came. I was, you
20 know, finished with my shift. I might have gotten cut
21 early, but it was dark out by the time that I was
22 talked to about anything.

23 Q. And so it's middle of September so it must
24 have been seven or eight o'clock at night then, it was
25 dark?

1 A. Yes.

2 Q. The report says John Gaddis is the one who
3 talked to you. Do you remember the name of the person
4 who talked to you?

5 A. I don't.

6 Q. Was he wearing a green uniform, a suit? Do
7 you recall that?

8 A. I don't remember.

9 Q. Did you hear any of the officers that night
10 while you were in and out of the restaurant say
11 anything like I found rock cocaine or I found rock,
12 anything like that?

13 A. I don't remember hearing anything like that.

14 Q. Do you know whether any of the people that
15 may have been speculating about the drug use may have
16 heard something like that?

17 A. It's possible.

18 Q. Did you hear any officer that night say
19 words to the effect that Mr. Chasse had 14 cocaine
20 convictions?

21 A. No.

22 Q. Do you know whether the people that were
23 speculating about Mr. Chasse's drug use may have heard
24 some officer say something about 14 cocaine
25 convictions?

1 MR. RICE: Objection, speculative.

2 THE WITNESS: I -- my understanding is that
3 they couldn't hear. I mean, even the people that were
4 sitting out on the patio, I don't know that they would
5 be able to, you know, really hear what the officers
6 were saying unless they were saying it at a -- at a
7 pretty raised volume.

8 Q. (By Mr. Steenson) Okay. You didn't hear
9 anyone say some officer told me something about drugs
10 and Mr. Chasse?

11 A. No.

12 Q. Okay. If I understand, you didn't see
13 Mr. Chasse when you left the area, he was on the
14 ground so you don't know whether he walked away,
15 whether he was carried away, you don't know how he was
16 taken away?

17 A. I don't. But for whatever reason, I
18 don't -- I don't know why, but I don't believe that it
19 was on a stretcher or something.

20 Q. Okay.

21 A. So that's why I think he was conscious, but
22 I'm -- I don't know why I necessarily think that.

23 Q. You don't have any police training?

24 A. No.

25 Q. You don't have any medical training?

1 A. I learned CPR for -- to be a camp counselor
2 one year.

3 Q. Police officers receive training in how to
4 identify people that may have mental illness. Have
5 you received any training like that?

6 A. No.

7 Q. When this officer came and spoke with you
8 that evening, did he tell you that Mr. Chasse had died
9 and he was conducting a death investigation?

10 A. I don't think so.

11 Q. When that officer showed up, did he tell you
12 that Mr. Chasse had suffered multiple broken ribs that
13 had punctured his lung and that's how he had died?

14 MR. RICE: Objection, it's both incorrect
15 and speculative. He's adding facts in that aren't
16 true. You can go ahead and answer.

17 THE WITNESS: I don't recall.

18 Q. (By Mr. Steenson) So how long after you
19 heard the thud -- if I understand you correctly,
20 you're on the patio at that point, you hear the thud,
21 you look up, you see them all on the ground. Is that
22 correct?

23 A. M-hm.

24 Q. Yes, for the record?

25 A. Yes.

1 Q. Okay. How long are you still on the patio
2 at that time before you go back inside, if you recall?

3 A. I mean, maybe a minute.

4 Q. Okay. And then when you come back out, is
5 that when Mr. Chasse appears to be unconscious?

6 A. I don't remember exactly. I -- I remember
7 that there was -- I mean, he got back up and there was
8 a struggle that way. I don't know if I went in and
9 came out and they were still struggling. It seemed
10 like it was going on for a while. And then the next
11 time that I came out was when he was on the ground and
12 somebody said they just Tased him.

13 Q. Okay. Is that when he appeared to be
14 unconscious?

15 A. Yes.

16 Q. And how much time between when you heard the
17 thud and when you came back out I think you said the
18 second time that he looked to be unconscious, how much
19 time?

20 A. I just don't -- I don't -- I don't really
21 know, you know.

22 Q. Okay.

23 A. I don't -- I can't comfortably make an
24 estimation.

25 Q. Sure, okay.

1 And did you ever look at the photos that
2 Mr. Marquez took?

3 A. I didn't look at them on the phone, but I
4 saw the picture printed in I think it was the Mercury.

5 Q. That's all I have. Thank you.

6 FURTHER EXAMINATION

7 BY MR. RICE:

8 Q. I have an additional question for you,
9 something that came up.

10 You indicated, as you were looking at
11 Mr. Chasse, either his arm or his leg was bent in a
12 direction that didn't seem natural. Is that what you
13 said, something like that?

14 A. Yes.

15 Q. When you were standing up above looking down
16 at him, did you see any other injuries other than what
17 you've told us about?

18 A. No.

19 Q. Thank you. I have nothing further.

20 MS. DUNAWAY: No.

21 MS. BACK: No more questions.

22 MR. STEENSON: Thank you.

23 MR. RICE: Thank you for coming down here.

24 (The deposition concluded at 12:02 PM.)

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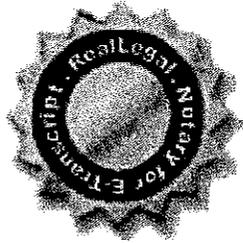
C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF CLARK)

I, Shannon K. Krska, a Certified Shorthand Reporter for Oregon, do hereby certify that, pursuant to stipulation of counsel for the respective parties hereinbefore set forth, ERIN GLANZ personally appeared before me at the time and place set forth in the caption hereof; that at said time and place I reported in Stenotype all testimony adduced and other oral proceedings had in the foregoing matter; that thereafter my notes were reduced to typewriting under my direction; and that the foregoing transcript, pages 3 to 55, both inclusive, constitutes a full, true and accurate record of all such testimony adduced and oral proceedings had, and of the whole thereof.

Witness my hand and CSR stamp at Vancouver, Washington, this 1st day of August, 2008.

Shannon K. Krska



Shannon K. Krska
Certified Shorthand Reporter
Oregon CSR No. 90-0216