

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.)

COPY

)No. CV-07-0189-HU

DEPOSITION OF

TONY LEE CARTER

Taken in behalf of Defendants

* * *

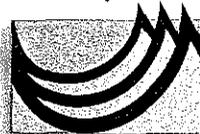
August 8, 2008

1211 S.W. Fifth, Suite 1900

Portland, Oregon

Shannon K. Krska, CSR

Court Reporter



400 Columbia, Suite 140
Vancouver, WA 98660
(360) 695-5554
Fax (360) 695-1737

Schmitt & Lehmann, Inc.
COURT REPORTERS
www.slreporting.com

121 SW Morrison St., Suite 850
Portland, OR 97204
(503) 223-4040
slinc@qwestoffice.net

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

For the Plaintiffs: MR. THOMAS M. STEENSON
Attorney at Law
815 S.W. Second, Suite 500
Portland, OR 97204

For the Defendants MR. JAMES RICE
Humphreys, Nice, and Attorney at Law
City of Portland: 1221 S.W. Fourth, Suite 430
Portland, OR 97204

For the Defendants MS. SUSAN DUNAWAY
Burton and Multnomah Attorney at Law
County: 501 S.E. Hawthorne, Suite 502
Portland, OR 97214

For the Defendant MS. JEAN BACK
AMR: Attorney at Law
1211 S.W. Fifth, Suite 1900
Portland, OR 97204

Also Present: Kari Furnanz

INDEX

EXAMINATION BY:	PAGE NO.
Ms. Dunaway	3 - 11
Mr. Rice	11 - 26
Ms. Back	26 - 35

EXHIBITS

[None marked.]

1 PORTLAND, OREGON; FRIDAY, AUGUST 8, 2008

2 8:56 AM

3 * * *

4 TONY LEE CARTER

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 MS. DUNAWAY:

10 Q. Hi, Mr. Carter. My name is Susan Dunaway.

11 I represent Multnomah County and Deputy Bret Burton in
12 this case.

13 Have you ever had your deposition taken
14 before?

15 A. No, I have not.

16 Q. Have you had a chance to talk with anyone
17 about what a deposition is?

18 A. No.

19 Q. Okay. Have you had a chance to talk with
20 the plaintiff's attorney at all about having your
21 deposition taken?

22 A. Introduced just minutes ago.

23 Q. Just minutes ago, okay.

24 Well, what is going to happen is I'm going
25 to ask you some questions. You've just taken an oath.

1 Anything you say here is under penalty of perjury. If
2 you're called as a witness at trial, then anything
3 that you say at trial that is inconsistent with what
4 you say today could be pointed out to the jury. Do
5 you understand that?

6 A. I understand.

7 Q. Okay. Did you have enough sleep last night
8 so that you'll be able to understand all my questions?

9 A. I hope.

10 Q. Okay. Are you on any medications?

11 A. No.

12 Q. Okay. If during the time that I'm asking
13 questions, if you don't fully understand my question,
14 would you let me know right away so I can try to
15 rephrase it so that it's more understandable to you?

16 A. I will.

17 Q. Okay. Where do you work?

18 A. I work in Carlton.

19 Q. In Carlton?

20 A. Yes.

21 Q. Okay. And what do you do?

22 A. I'm an electrician.

23 Q. And how long have you worked in Carlton?

24 A. A year and a half --

25 Q. Okay.

1 A. -- roughly.

2 Q. Where did you work previous to that?

3 A. Previous to that I worked in California.

4 Q. Okay. So how long have you been in Oregon?

5 A. About two years.

6 Q. Were you in California or Oregon in
7 September '06?

8 A. I was here.

9 Q. You were here, okay.

10 And where were you working at that time?

11 A. At that time -- oh, Carlton.

12 Q. In Carlton, okay.

13 Well, the reason why you received a subpoena
14 in this case is because I sent some questions to the
15 plaintiffs' attorney, and the questions concerned
16 claims that the plaintiff is making against the
17 county, against the city, and against the ambulance
18 company in regard to certain disabilities that
19 plaintiff alleges that Mr. Chasse had. You were named
20 as somebody who would know something about those
21 disability claims, okay. So my first question to you
22 is: Did you know Mr. Chasse?

23 A. I did not.

24 Q. Okay. Were you present at the Blue Hour or
25 in that vicinity of N.W. 13th and Everett on September

1 17th?

2 A. I was.

3 Q. You were, okay.

4 Do you know anything about Mr. Chasse having
5 a disability?

6 A. Only after the fact.

7 Q. Okay. So would that be only what you read
8 in the newspaper or saw on TV?

9 A. I heard on the radio.

10 Q. Heard it on the radio, okay.

11 Have you ever made a claim yourself based on
12 a disability?

13 A. Negative -- in the military, yes, I did.

14 Q. And what was that?

15 A. Ankle injury.

16 Q. Okay. So was that more like a workers' comp
17 type of claim but in the military?

18 A. Not a workers' comp. It was a -- I damaged
19 my ankles and you just file a -- in case there's
20 complications after the fact years later. That's the
21 only reason you file it.

22 Q. Okay, all right. So when were you in the
23 military?

24 A. '89 through '94.

25 Q. Okay. And did the ankle disability have

1 anything to do with your leaving the military?

2 A. Negative.

3 Q. Okay. Where -- why were you in the vicinity
4 of 13th and Everett on September 17th?

5 A. Shopping with family and friends.

6 Q. Okay. So what was it then -- let's go back
7 then to September 17th. Did you see the altercation
8 between Mr. Chasse and the police officers?

9 A. I did not.

10 Q. You did not, okay.

11 Where were you about, say, 5:15 then on
12 September 17th, 2006?

13 A. I was shopping in that area at, what is that
14 place, don't know the name of the place. It sells
15 Asian furniture right on the corner of the little
16 restaurant that -- where this happened at.

17 Q. So you were in the same block as the Blue
18 Hour restaurant?

19 A. Correct.

20 Q. Okay. You did not see any altercation
21 between Mr. Chasse and the police officers?

22 A. I did not.

23 Q. Okay. Did you make any statements to the
24 police after the altercation?

25 A. I did not.

1 Q. Were you interviewed by anyone after this
2 incident?

3 A. I was not.

4 Q. Okay. Did you talk to anyone in that
5 vicinity after the incident?

6 A. I asked a woman who was passing by what had
7 happened.

8 Q. And what did she tell you?

9 A. She said something about the cops were
10 holding him and that was it.

11 Q. Do you know who that woman was?

12 A. No idea. She was just a passer-by.

13 Q. Where do you live now?

14 A. I live in Salem.

15 Q. Okay. And what is your address?

16 A. [REDACTED]
17 [REDACTED]

18 Q. Did you observe anything on that day at that
19 place in regard to the arrival of an ambulance?

20 A. I did not see the ambulance arrive.

21 Q. Okay. So I want to get this straight. You
22 did not see the altercation between Mr. Chasse and the
23 police --

24 A. Negative.

25 Q. -- is that correct?

1 A. That is correct.

2 Q. Did you see anything having to do with the
3 officers chasing Mr. Chasse?

4 A. I did not.

5 Q. Okay. You didn't see anything with --
6 having to do with the ambulance arriving?

7 A. Not when it arrived, no.

8 Q. Did you see the ambulance leave?

9 A. No.

10 Q. You did not.

11 Did you talk to anyone other than that one
12 woman whose name you can't remember or never found out
13 about the incident?

14 A. No. I just asked the one question.

15 Q. Okay. And other than today, with whom have
16 you, if you have, had a conversation about that
17 particular incident?

18 A. The only person I talked to was Mary who was
19 there with me.

20 Q. And who's Mary?

21 A. Mary Jean.

22 Q. Mary Jean Whittemeier?

23 A. Don't know her last name. I know her maiden
24 name, Kornott, but I don't know her married name.

25 Q. Okay. Is that the woman from Indiana or

1 Ohio?

2 A. Ohio.

3 Q. Ohio, okay.

4 Okay. So were you shopping with Mary Jean
5 that day?

6 A. I was.

7 Q. Okay, all right. Is she a relative or
8 friend?

9 A. She's a friend --

10 Q. Okay.

11 A. -- of my family.

12 Q. Do you know if Mary Jean saw the
13 altercation?

14 A. I do not -- I walked out. She was already
15 out there. I do not know.

16 Q. Okay. You said you had a conversation with
17 her. Do you remember what was said during that
18 conversation?

19 A. I asked -- as I came out, I asked what had
20 happened.

21 Q. Okay. Do you remember what she said?

22 A. I do not.

23 Q. Don't.

24 A. She -- I don't know if she was over there or
25 not. I have no idea.

1 Q. And other than Mary Jean, that was the only
2 conversation you've had?

3 A. That's it.

4 Q. Okay. And you don't know anything about
5 Mr. Chasse's disabilities?

6 A. No. Only the radio.

7 Q. Okay. That's all the questions I have.

8 EXAMINATION

9 BY MR. RICE:

10 Q. Good morning, Mr. Carter. My name's Jim
11 Rice. I work for the City of Portland. I'm a lawyer
12 there.

13 A. M-hm.

14 Q. I'd like ask you some other questions, maybe
15 something that's hasn't been asked.

16 You were in the military from 1989 to 1994;
17 is that right?

18 A. Right.

19 Q. And what branch of the --

20 A. Army.

21 Q. And what was the name of your military
22 occupational specialty?

23 A. Infantryman.

24 Q. So you were an 11B?

25 A. I was 11B, that's 11 Bravo, 11 Charlie, and

1 11 Hotel.

2 Q. Okay. And 11B is --

3 A. Infantry.

4 Q. Infantry/light weapons. C is mortars?

5 A. Mortars.

6 Q. And what's H?

7 A. Hotel is a missile gunner on the top of a
8 humvee.

9 Q. Okay. Did you serve overseas?

10 A. No, I didn't -- well, Hawaii.

11 Q. Okay. Best part of overseas maybe to serve
12 in.

13 So you were with the 25th infantry over
14 there?

15 A. Correct.

16 Q. You've indicated you did not see the
17 ambulance arrive; is that right?

18 A. That's correct.

19 Q. Did you see any care that was provided by
20 anybody from the ambulance company?

21 A. No.

22 Q. Did you see any care that was given by
23 anyone from the Portland Fire Bureau?

24 A. No.

25 Q. Did you talk to anybody from the ambulance

1 company?

2 A. I did not.

3 Q. Did you overhear anyone from the ambulance
4 company say anything?

5 A. I did not.

6 Q. Did you hear anyone from the Portland Fire
7 Bureau say anything?

8 A. I did not.

9 Q. Did you have any conversation with anyone
10 from the Portland Fire Bureau?

11 A. I did not.

12 Q. Did you have any conversation with any
13 Portland Police officer that day?

14 A. No.

15 Q. Have you had any conversation with any
16 Portland Police officer subsequent to that day?

17 A. No.

18 Q. Have you had any conversation with anyone
19 that worked at the Blue Hour?

20 A. No.

21 Q. Did you ever actually see Mr. Chasse?

22 A. I did.

23 Q. And where was he when you saw him?

24 A. On the ground.

25 Q. And can you describe Mr. Chasse's appearance

1 for us?

2 A. He was in a contorted position, knees -- one
3 knee up, one knee on the ground, elbow up in the air.

4 Q. Was he handcuffed at that time?

5 A. Could not see if he was or was not.

6 Q. Was anyone touching him when you saw him?

7 A. No. An officer was standing above him.

8 Q. Okay. How many officers?

9 A. One.

10 Q. Do recall the color of the clothing of that
11 officer?

12 A. Earth tone color.

13 Q. Okay. And by earth tone, I think of that as
14 brownish or off brown?

15 A. A dark color, I could not be --

16 Q. Okay. And when that one officer was
17 standing over Mr. Chasse, was anyone near him?

18 A. Yes. A woman, curly hair. I want to say
19 Navy blue uniform.

20 Q. And what was she doing?

21 A. Just standing there.

22 Q. All right. When you were looking at
23 Mr. Chasse, could you see his face?

24 A. No. No movement.

25 Q. You couldn't see his face?

1 A. No.

2 I can see, well, part of his face, yes.

3 Q. Okay. As you looked at his face, is there
4 any injury that you could see?

5 A. No.

6 Q. As you looked at his body, could you see any
7 injury?

8 A. No, I could not.

9 Q. When you say his body was in a contorted
10 position, what part of his body was in a contorted
11 position?

12 A. Arms and legs.

13 Q. Okay. And can you describe how it was
14 contorted?

15 A. Well, he had a knee up -- he looked as
16 though it was like this and one knee up.

17 Q. Okay. So am I correct that he's -- is he
18 lying on his side?

19 A. He -- partially, yes.

20 Q. Okay. And if he's not completely on his
21 side, what part of the ground is making contact with
22 his body in his upper part of his body?

23 A. I want to say the side of one of his arms.

24 Q. Okay. Could you see any injury to an arm?

25 A. No.

1 Q. Any injury to a leg?

2 A. No.

3 Q. Any injury to his head?

4 A. No.

5 Q. Did you see anyone strike Mr. Chasse?

6 A. No.

7 Q. Anyone kick Mr. Chasse?

8 A. No.

9 Q. Was Mr. Chasse making any sound at this
10 time?

11 A. No.

12 Q. Was he moving at all?

13 A. No.

14 Q. How long did you observe Mr. Chasse?

15 A. Off and on maybe 45 minutes.

16 Q. Okay. And is that from the first time you
17 came out?

18 A. Correct.

19 Q. And did you -- were you going back and forth
20 into the shop?

21 A. I was.

22 Q. Okay. So you were shopping for furniture;
23 is that right?

24 A. Correct.

25 Q. So from the first time you saw Mr. Chasse

1 until the time you no longer saw him, that was
2 approximately 45 minutes?

3 A. I -- roughly.

4 Q. Okay. I'm not holding you to the minute.

5 But at some point you came out and he was
6 just gone?

7 A. No.

8 Q. Okay. Tell me -- tell me what else you know
9 about Mr. Chasse.

10 A. I left before he was taken away.

11 Q. I see.

12 And that day, that was a Sunday, does that
13 sound right to you?

14 A. I cannot remember.

15 Q. Okay. Had you had any alcoholic beverages
16 to drink that day?

17 A. No.

18 Q. Were you on any medicine or anything like
19 that?

20 A. No.

21 Q. Sometimes people have had things happen to
22 them during the course of a couple of years and
23 sometimes they end up with a head injury of some kind
24 that might affect their memory. Anything like that?

25 A. No.

1 Q. Not that you know of?

2 A. Not that I know of.

3 Q. All right. Where do you work in Carlton?

4 A. Where do I --

5 Q. Yeah.

6 Do you work in some particular company
7 there?

8 A. I work for Brightside Electric.

9 Q. Okay. Do they do residential or commercial
10 or both?

11 A. Both.

12 Q. And is your job then an electrician?

13 A. I'm a service electrician.

14 Q. And what does service electrician mean?

15 A. Drive the van to different jobs.

16 Q. Okay. So you're more a driver than a person
17 with works with electrical things?

18 A. No. I do both.

19 Q. And are you certified somehow to be a
20 electrician?

21 A. I'm state licensed.

22 Q. Did you have the opportunity to go to
23 college after high school?

24 A. I did.

25 Q. And where did you go?

1 A. University of Hawaii.

2 Q. And did you end up with a degree from
3 University of Hawaii?

4 A. No.

5 Q. Did you -- did your studies at the
6 University of Hawaii prepare you to do electrical
7 work?

8 A. I took courses conclusive to becoming an
9 electronics technician.

10 Q. Okay. So that was -- that was what your
11 major would be?

12 A. It was more associate's program.

13 Q. An associate's program, all right. Did you
14 get an AA degree?

15 A. No.

16 Q. So I'm trying to make sure I understand
17 this. You come out of the store and you see
18 Mr. Chasse, he's lying in somewhat of a contorted
19 position. You didn't hear any conversation from any
20 police officer, medical-trained person?

21 A. No.

22 Q. Was there any conversation you had with
23 people in the surrounding area other than what you've
24 told us about?

25 A. No.

1 Q. Did you hear any mention of drugs?

2 A. No.

3 Q. Did you hear anything regarding someone
4 having a criminal conviction?

5 A. No.

6 Q. It's uncertain at this time if there's going
7 to be a trial. And if there is a trial we might want
8 to subpoena witnesses. Is there a best phone number
9 to try and reach you at for scheduling things?

10 A. Yes.

11 Q. And what's that number?

12 A. 503-602-2661.

13 Q. Is that a home phone, a work phone, a cell
14 phone?

15 A. That's all three.

16 Q. All right. In basic training in AIT, did
17 you have any medical training?

18 A. Yes.

19 Q. First aid?

20 A. First aid, combat medical training, and
21 advanced infantry training.

22 Q. Where did you go to basic training?

23 A. Fort Benning, Georgia.

24 Q. And how about AIT?

25 A. Fort Benning, Georgia.

1 Q. Based on what you learned in the military
2 regarding medical training, did you see anything
3 involving Mr. Chasse you thought was inappropriate
4 from a medical standpoint?

5 A. Did not assess that at the time.

6 Q. Okay. And how about since then, made any
7 other assessment?

8 A. Only his position.

9 Q. Okay. What do you believe about his
10 position that was right or wrong?

11 A. He should have been lying stretched out.

12 Q. In other words, not having -- and having his
13 legs straight out?

14 A. Correct.

15 Q. And why do you think it was inappropriate
16 that his legs were in a bent position?

17 A. Didn't know what was wrong with him so
18 you're asking me to assume.

19 Q. Okay. And I'm not going to ask you to
20 assume if you don't know what was wrong, okay.

21 Have you had any contact with the Chasse
22 family?

23 A. No.

24 Q. Have you talked to any lawyers about your
25 testimony?

1 A. No.

2 Q. Have you -- did you appear before the grand
3 jury?

4 A. No.

5 Q. Have you given any recorded statements
6 either by tape recorder or video or film, anything
7 like that?

8 A. No.

9 Q. Did you -- when Mr. Chasse was lying on the
10 ground, did you ever observe his face?

11 A. Only when he moved.

12 Q. Okay. And what kind of movement was he
13 doing?

14 A. Slow sporadic movements.

15 Q. Okay. Did you ever hear him say anything or
16 make any noises?

17 A. Yes.

18 Q. Did you hear him actually say words?

19 A. No.

20 Q. You heard him make noises?

21 A. Moan.

22 Q. Okay. Was he moaning part of the time or
23 all of the time you saw him?

24 A. After -- after he'd been there a while.

25 Q. Was it a quiet moan, a loud moan? How would

1 you describe that?

2 A. Loud, uncomfortable.

3 Q. Did you ever see any blood associated with
4 Mr. Chasse?

5 A. No.

6 Q. Did you ever assess his state of
7 consciousness?

8 A. No.

9 Let me correct that.

10 Q. Sure, go ahead.

11 A. I thought he was unconscious or dead when I
12 first saw him.

13 Q. Okay. When you first saw him, what led you
14 to believe that he was unconscious?

15 A. No movement whatsoever.

16 Q. How long did you observe him when he had no
17 movement whatsoever?

18 A. Quite a while. I was wondering to myself
19 why they weren't taking him away 'cause I thought he
20 was dead.

21 Q. Okay. Did you actually think he was dead as
22 opposed to unconscious?

23 A. Correct.

24 Q. All right. So when he's -- he's lying there
25 on the ground with his legs in a contorted position;

1 right?

2 A. (Nods head.)

3 Q. And you think he's dead. How long did you
4 observe him before you saw some movement on the part
5 of Mr. Chasse or some other sign of life?

6 A. I don't know.

7 Q. Okay.

8 A. I know I entered and exited the store and he
9 was still there in the same position.

10 Q. Okay. And do you know how long it was from
11 when you first saw him being very still or dead as you
12 perceived it to coming out the second time?

13 A. Third time.

14 Q. Third time.

15 A. No, I don't know.

16 Q. When you looked at Mr. Chasse, did you note
17 his skin coloration?

18 A. No.

19 Q. Did you take any photographs that day?

20 A. No.

21 Q. Have -- what's your principal source of
22 information or news?

23 A. Radio.

24 Q. Okay. Have you listened to radio shows
25 regarding Mr. Chasse?

1 A. No.

2 Q. Did you have any indication that day that
3 there was something mentally wrong with Mr. Chasse or
4 Mr. Chasse was suffering from some mental disability?

5 A. No.

6 Q. I've tried to listen to the first lawyer and
7 then sort of chronologically go through what's
8 happened, what you observed. Is there anything that
9 you consider significant that you've not told us about
10 today regarding Mr. Chasse?

11 A. Significant in what way?

12 Q. Well, that you think pertains to how he was
13 injured, whether he was injured, whether he received
14 treatment, whether he didn't receive treatment,
15 something that should have been done for Mr. Chasse
16 that wasn't done for him.

17 A. I thought it took a while, too long, once I
18 realized he was still moving later on, that he was
19 still alive, why weren't they treating him.

20 Q. Okay. You felt that the health care
21 providers should have done more for him?

22 A. Correct.

23 Q. Anything else?

24 A. That's it.

25 Q. Did you have the ability to assess the scene

1 and say they should be doing something other than
2 treating him just generally?

3 MR. STEENSON: Objection, vague.

4 Q. (By Mr. Rice) He's making a record for the
5 judge. You can go ahead and answer the question.

6 A. I don't understand the question. Can you
7 repeat it?

8 Q. As you sit here today, do you think that
9 there's something that should have been done for
10 Mr. Chasse medically that wasn't done?

11 MR. STEENSON: Speculation.

12 THE WITNESS: Other than providing medical
13 care, I don't know.

14 Q. (By Mr. Rice) Okay. Thanks for coming down
15 here today. Maybe the other lawyer would like to ask
16 you a question.

17 EXAMINATION

18 BY MS. BACK:

19 Q. Hi there, my name's Jean Back, and I
20 represent AMR, the ambulance company that was there.

21 And I just want to go through again your
22 observations of Mr. Chasse. I'm trying not to repeat
23 stuff, but I'm still a little unclear as to how this
24 all played out and what you saw.

25 A. Okay.

1 Q. So you were in the store, the Asian
2 furnishing store; correct?

3 A. M-hm.

4 Q. And the first time that you came out, what
5 did you observe?

6 A. I saw Mr. Chasse lying on the ground and an
7 officer above him.

8 Q. And at that time, did you also see the woman
9 with curly hair?

10 A. I did.

11 Q. And what color -- did you see the front of
12 this woman or the back?

13 A. She was moving, a little bit of both.

14 Q. And do you have -- do you know what agency
15 she was with?

16 A. No idea.

17 Q. Do you know whether she was with the
18 ambulance company?

19 A. I have no idea.

20 Q. Did she have any gloves on?

21 A. I don't know.

22 Q. Was the ambulance there --

23 A. Yes.

24 Q. -- at the time?

25 What length was the woman's hair?

1 A. To her shoulders.

2 Q. And were there any other people besides just
3 that woman and the other person around?

4 A. Firemen were there.

5 Q. And what makes you say that they were
6 firemen?

7 A. Only the way they were dressed.

8 Q. How were they --

9 A. Boots.

10 Q. Anything else?

11 A. That's it.

12 Q. Okay. Was the fire truck there as well
13 then?

14 A. I don't know if the truck was there. I
15 didn't see it.

16 Q. So am I correct in understanding that you
17 didn't observe Mr. Chasse before -- this was the first
18 time that you observed him and so you didn't observe
19 him before the ambulance was there?

20 A. Correct.

21 Q. And at the time that you looked at
22 Mr. Chasse in that prone position, you didn't see him
23 moving?

24 A. Correct.

25 Q. Did you -- were you able to see his chest or

1 his back?

2 A. No.

3 Q. So were you able to discern whether he was
4 breathing?

5 A. I could not see him -- any movement.

6 Q. And you may have missed some of the
7 interactions that the ambulance company was doing with
8 Mr. Chasse before you got there?

9 A. Possibly.

10 Q. And then -- so you observed him at that
11 point in time. How long did you stay out there
12 watching him?

13 A. Don't know.

14 Q. Okay. And then you went back into the
15 store?

16 A. Correct.

17 Q. And how long were you in the store?

18 A. Off and on. I have no idea of the time
19 passage.

20 Q. Do you have any idea what you were doing
21 when you walked back into the store?

22 A. Talking my daughter.

23 Q. Okay. Did your daughter also observe --

24 A. No.

25 Q. -- any of this?

1 A. I told her not to go outside.

2 Q. Who else was there with you that -- other
3 than your daughter and Mary -- Mary Jean?

4 A. Mary Jean's sister, my wife's mother, my
5 wife, my son, my daughter, myself.

6 Q. Who else besides you and Mary Jean observed
7 this incident?

8 A. Only us two.

9 Q. Only the two of you, the others all stayed
10 in the store?

11 A. Correct.

12 Q. And they didn't observe any portion of it?

13 A. No.

14 Other than leaving, when leaving they might
15 have glanced over.

16 Q. Okay. What is your -- what are the names of
17 all the people that were there?

18 A. My wife is Triz, Mary Jean's sister is Joan,
19 my son Alex, my daughter Miya, and my wife's mom is
20 Honna.

21 Q. And how would we reach the folks that
22 don't -- I assume your wife, your son, and your
23 daughter all live with you. If we were wanting to
24 reach any of those other people, how would we reach
25 them?

1 A. You could ask Mary Jean for her sister's
2 phone number, and if you need to talk to my wife's
3 mother I can give you that number.

4 Q. Okay. So you went back into the store and
5 then at some point you came back out?

6 A. Correct.

7 Q. Okay. And then tell me what you saw when
8 you came back out.

9 A. The second time?

10 Q. Right.

11 A. Same thing. I saw interaction between the
12 firemen talking, the police still standing over
13 Mr. Chasse, and no movement.

14 Q. He still wasn't moving?

15 A. No.

16 Q. And did you hear anything?

17 A. Not at the second time.

18 Q. The first time, is that when you heard the
19 moaning?

20 A. No.

21 Q. And you didn't hear anything the second time
22 either?

23 A. Correct.

24 Q. And you didn't observe AMR doing any sort of
25 medical treatment?

1 A. That's correct.

2 Q. And did you observe the fire fighters doing
3 any medical treatment?

4 A. No.

5 Q. And how long did you observe him during this
6 time, the second time?

7 A. The second time? I don't know the time that
8 transpired.

9 Q. Okay. Fair enough.

10 So you -- did you observe him to be
11 breathing on the second time?

12 A. No.

13 Q. Do you know for sure he wasn't breathing?

14 A. I do not know.

15 Q. You didn't observe the rise and fall of his
16 chest?

17 A. That's correct.

18 Q. Did -- and you couldn't see his face?

19 A. Only partially.

20 Q. Could you see whether his eyes were open?

21 A. No.

22 Q. Could you see whether he was talking?

23 A. He was not talking.

24 Q. Were you able to -- were you close enough
25 that you could hear conversation in that -- that

1 specific area?

2 A. No.

3 Q. Okay. So the second time then you went back
4 in the store?

5 A. Correct.

6 Q. And what did you do when you went back in
7 the store?

8 A. Looked around again. I'm not a shopper.
9 And then I went back outside.

10 Q. Okay. And how long do you think you were in
11 the store?

12 A. I have no idea.

13 Q. Okay, don't guess.

14 So you went out a third time?

15 A. Correct.

16 Q. Okay. And then tell me what you saw when
17 you went out the third time.

18 A. The third time I saw Mr. Chasse moving.

19 Q. Okay. You saw him moving?

20 A. Correct.

21 Q. Did you hear anything?

22 A. I heard him moaning as he was moving.

23 Q. And what movements was he making?

24 A. Movement with his arm and legs.

25 Q. And do you know what prompted that movement,

1 if anything?

2 A. I have no idea.

3 Q. Did you observe AMR to take his pulse?

4 A. No.

5 Q. Did you see a medical kit anywhere near his
6 body?

7 A. No.

8 Q. Do you know what a blood glucose is?

9 A. No.

10 Q. Okay. So the third time you saw him moving
11 and you heard him moaning?

12 A. Correct.

13 Q. How long did you observe him during that
14 third period?

15 A. Don't know.

16 Q. Don't know, okay.

17 Then what happened?

18 A. He moved around. They just looked at him.

19 I wondered what was going on because I don't know what
20 had happened -- I did not know.

21 Q. Okay. But being in and out of the store,
22 it's conceivable that you could have missed things
23 that were going on with respect to Mr. Chasse?

24 A. Possibly.

25 Q. Do you -- have you spoken with anyone at all

1 from Mr. Steenson's office --

2 A. No.

3 Q. -- with respect to this case?

4 No investigators have come out and spoken
5 with you?

6 A. No.

7 Q. How do you -- do you have any idea how your
8 name became associated with this case?

9 A. I'm assuming Mary Jean.

10 Q. Okay. I don't think I have any further
11 questions for you. So some of these lawyers might
12 have some follow-up.

13 MR. STEENSON: No questions.

14 MS. DUNAWAY: No.

15 MR. RICE: Thank you for coming down,
16 Mr. Carter.

17 THE WITNESS: Okay.

18 (The deposition concluded at 9:27 AM.)

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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, TONY LEE CARTER 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 35, 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 14th day of August, 2008.

Shannon K. Krska

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

