

1 anything?

2 THE WITNESS: No.

3 MS. MASCAL: Any other questions? Okay.

4 KEN YOHE,

5 called as a witness in behalf of the

6 State, being first

7 duly sworn, was examined and testified as follows:

8 EXAMINATION

9 BY MS. MASCAL:

10 Q Detective, if you can introduce yourself, please.

11 A Detective Ken Yohe, that's Y-O-H-E.

12 Q Detective with --

13 A Multnomah County Sheriff's Office, and assigned
14 with the East County Major Crimes Team.

15 Q And East County Major Crimes Team, do you often
16 respond to different jurisdictions, different agencies, if
17 there's a major event?

18 A I do.

19 Q You responded to this one as well, on January
20 28th?

21 A I did, yes.

22 Q Okay. We've heard from a lot of witnesses already
23 this morning, but I was hoping you could maybe go through a
24 time line to fill in some other gaps, and then we have
25 witnesses tomorrow as well. But just generally, take us

1 through your investigation, start to finish, and then if you
2 want to use the boards behind you or any photographs, we can
3 do that.

4 A I was notified January 28th, 2012 at 12:30 a.m. by
5 my sergeant that I needed to respond to Fairview PD in
6 reference to an officer involved shooting. So I responded
7 there. I was assigned as the co-lead with Detective Asboe.
8 And our responsibilities, basically, we have a pool of
9 detectives from Troutdale, Fairview, Gresham, and Multnomah
10 County. So as the -- and then, of course, the DA was there
11 also. And our job, basically, was to kind of assign and
12 kind of as an overall or overview of the investigation.

13 Uhm, so, initially, we -- the crime scene was
14 something that we needed to -- we had officers -- uniform
15 officers out there that had put up the crime scene tape. We
16 assigned Detective Storagee as kind the main detective
17 assigned to the crime scene, which I believe you heard from
18 him earlier.

19 Q Yes.

20 A We assigned Detective Smith and Detective Odil as
21 a contact, and to also interview Sandra Kelley, who is the
22 mother; Gerald Kelley, who is an uncle; and Colleen Hewitt.
23 And then they also -- they also obtained a signed consent
24 from the mother and the uncle as far as the investigation
25 goes, we were going to need to gain access to the apartment.

1 We had Detective Bob Peterson assigned to
2 logistics, kind of as a person that would help run people,
3 and just kind of help us out if we needed, you know, to take
4 phone calls, kind of monitor what all of the other
5 detectives were doing, so that -- because it gets a little
6 overwhelming as far as just all of the resources that are
7 out there. So he's kind of a -- he was a buffer, to kind of
8 make sure people were doing as they reported back or getting
9 assigned out.

10 Detective Faulk and Hakala interview Melinda Zarn,
11 which is an exgirlfriend of the deceased. Detective
12 Seymour, he interviewed Gresham fire personnel. Also
13 Detective Faulk interviewed EMS, Emergency Medical Systems.

14 Q Ryan Doern, who was just here?

15 A Yeah. Actually, no, I think he was Gresham Fire,
16 and the EMS person will be here shortly. I -- Detective
17 Faulk and myself conducted an interview of Officer Kaiser,
18 who is a witness officer. Detective Smith also interviewed
19 Broadway cab or conducted that investigation to find out who
20 the driver was, and you heard from him earlier.

21 Sergeant Meyer with the Fairview PD, we asked that
22 he go obtain the 911 -- the BOEC 911 recording. Detective
23 Seymour and Hakala conducted a walk through with Deputy
24 Krumpschmidt.

25 Q Tell us what a walk through is?

1 A A walk through, basically what we do is we went
2 back to the scene, and where the officers' cars were parked,
3 and we just asked them while being video recorded, so
4 audio/video recording, and just asked them to kind of walk
5 with us to show us where, you know, where their car was,
6 where they walked. Uhm, and, you know, they had already
7 done the interview, so this was basically to kind of just
8 get a visual as to where they went, uhm, you know, when they
9 responded to the scene. And, so, they were specifically,
10 because they had interviewed Deputy Krumpschmidt, they were
11 also assigned to this walk through.

12 Q Okay.

13 A Uhm, Detective Hibbs with -- I hope he's Gresham
14 PD, I think he's Gresham, he was assigned to interview the
15 assistant apartment manager, uhm, I believe Mosqueda.

16 Q We heard from her.

17 A And he was also in charge of the -- he was also in
18 charge of the canvas of the apartments; and, again, you've
19 heard from him. Uhm, and then Criminalist Arne, Melissa
20 Arne, was assigned to process the crime scene. And she also
21 was at the autopsy, and you heard from her earlier.

22 So, uhm, so basically, that was our initial
23 response, was really to kind of get those assignments out,
24 and, you know, just kind of going through a list of things
25 that needed to be done. Uhm, the first major thing that I

1 did was interview Officer Kaiser with Fairview PD, and
2 Detective Faulk and myself were in that interview.

3 Q He's scheduled to be here tomorrow?

4 A He's scheduled to be here.

5 Q Did you interview Michael Morton?

6 A I did.

7 Q How soon after the event was that interview done?

8 A We interviewed Officer Morton on Monday, and I
9 believe the time was -- it was January 30th, at 10:22 a.m.

10 Q Two days after?

11 A Two days after.

12 Q And he's also scheduled to be here tomorrow?

13 A He is.

14 Q Okay. Anything else you did?

15 A Yeah. We -- so we interviewed Officer Kaiser, we
16 attended the -- also went to the crime scene, just to get a
17 visual as to during the processing, so that we -- we
18 observed the walk throughs, but weren't part of it, and just
19 wanted to kind of get an idea of what the crime scene looked
20 like. So we, you know, were able to see the staircase,
21 while the deceased was there, and kind of see where he was
22 positioned. And then the layout of the apartment, and just
23 everything that has already been presented to you, but just
24 so we could have a firsthand, you know, visual, as to what
25 was going on there.

1 Q Detective, we heard from Ms. Mosqueda. Were you
2 involved in her interview, conduct part of her interview?

3 A I was.

4 Q And she is quite adamant about the position of Mr.
5 McKinney's lower body; is that right?

6 A Yes.

7 Q Okay. Were there any shadowing affects present
8 there at the stairwell? There's a picture on the screen, if
9 you need it use that.

10 A Yeah, sorry. The --

11 Q Because you're aware, obviously, because you did
12 the interview, she told you his legs were somewhat lower.

13 A Yeah. And let me talk about that interview. What
14 we did is we interviewed her in her office, and then we went
15 out and we wanted to physically see where she was standing
16 in the parking lot, uhm, to get an idea of how far away she
17 was, you know, what she could see as far as the stairwell.
18 And there was a hedge there, and kind of based on her
19 height, which would basically, we determined, would
20 basically block kind of the lower section of the staircase.
21 She could clearly see, you know, probably three-quarters,
22 you know, up, and then she could see the landing there.

23 She -- there is a shadow that -- and it's --

24 Q If you can step behind that a little, so the
25 jurors --

1 A Sorry. There's a shadow that -- and you don't see
2 it right here, but it's right under -- it's right underneath
3 the landing there. It's like these two areas right there,
4 it's a shadow, and it's kind of a dark spot. And she -- she
5 was adamant that the legs, you know, were down when she saw
6 him go down, that the legs were hanging, you know, over the
7 stairs, and that's what she said.

8 Q And from the shadowing effect that you personally
9 observed, would it be easy to mistake that his legs were
10 over the landing, versus on the landing?

11 A Well, the shadowing, though, goes this way, and
12 she was adamant that the legs were basically going down the
13 stairs. So not -- the shadowing was basically parallel.

14 Q From everyone else that was interviewed and
15 everything you know about about the investigation, was the
16 body moved at all before those photographs were taken?

17 A No.

18 Q Okay. I just wanted to clear that up. And I
19 interrupted your chronology, so I'm sorry.

20 A Okay. And if I could comment on the -- I mean,
21 she also in the interview, okay, she sees him go down, and
22 she also says that she goes -- she goes off to somewhere
23 else. So, uhm, you know I don't know, I mean, he got hit,
24 and I don't know how fast he's deceased. There's a lot of
25 things that can happen there.

1 Q All right.

2 A So -- all right. Uhm, so, after entering into the
3 scene, do you want me to speak to anything on the crime
4 scene? Is there anything that --

5 Q General observance.

6 A Now, when we initially or when I initially went in
7 there, there was -- the only thing that raised a question in
8 my mind was, kind of looking at where the knife was. Uhm,
9 it just seemed to be -- it seemed to be out of place. Uhm,
10 it wasn't -- it didn't look like an area that it would
11 naturally fall. So I had questions in my mind about, you
12 know, how the knife ended up getting where it was. So that
13 was kind of an initial observation that I made.

14 And then we -- by the 911 call we had heard that
15 there was --

16 Q Let's go back to this board (indicating), because
17 it was quite a distance away from his body?

18 A It was. And we hadn't -- up to that point, we had
19 nothing in interviews that would explain why that knife was
20 where it was. And so that was something that initially that
21 we kind of looked at and raised a question about.

22 Q Were you able to clear that up without --

23 A We were.

24 Q -- getting into hearsay. And who -- which
25 witnesses cleared that up for you?

1 Q The uncle will clear that up. Yeah.

2 Q He will be here tomorrow, as well?

3 A He will be, he should be, yes.

4 Q So, after speaking with Gerald Kelley, was it any
5 surprise to you where the knife was found?

6 A Not at all.

7 Q Okay.

8 A The other thing that -- the other observation was,
9 by the 911 call, there was a report of a disturbance, and
10 that it -- a door had maybe been pushed opened. And, so, I
11 actually saw that there was a door in there that had damage.
12 I pointed it out, it was clearly a door that had been shut,
13 locked, and somebody pushed it open.

14 Q Which door was that?

15 A That was the door to the mother's room, which is
16 the master bedroom. So, yeah, as you go down the hallway
17 there, and the master bedroom, and it's clear damage. Well,
18 you probably saw the photos of it.

19 Q Were there any other signs of disturbance inside
20 of the apartment?

21 A Yeah. In the livingroom, there was, I believe if
22 I remember right, there was some money. There was the
23 deceased's driver's license, like it had been thrown on the
24 floor.

25 Q Okay. In going through the apartment, were you

1 able to find any personal effects belonging to Mr. Larry
2 McKinney?

3 A Yeah. In the livingroom, there was a pile of his
4 clothes. There was -- there was a bag of, I believe,
5 paperwork that had his name on it. That was -- if I
6 remember right, it was kind of in between the dining room
7 and the -- the dining room and can I point it out?

8 Q Sure.

9 A Basically, right in this area right here, there
10 was like a table or something. There was a lot of clothing
11 there. I think there was something -- I think the bag might
12 have been found in the livingroom with his stuff in it. But
13 based on what I was seeing, I believed that he was probably
14 staying in the living room. We didn't find anything in --
15 the master bedroom was obviously mom's, and the bedroom was
16 obviously uncle's.

17 Okay. Uhm, anything else on the crime scene of --

18 Q If that's all there is to cover.

19 A Yeah. And then -- so after doing that, Detective
20 Asboe and myself went to -- went to the autopsy. Uhm, and
21 basically, we observed the autopsy as the ME was going
22 through and explaining the, you know, what he believed were
23 entry and exit wounds and -- do you need me to talk any more
24 about that?

25 Q No. Dr. Nelson was here and Melissa Arne cleared

1 up what Dr. Nelson couldn't. How many rounds were
2 recovered, from your memory?

3 A From the body?

4 Q Uh-huh.

5 A There was one, and I remember there being a
6 partial or something -- a partial in the head. But it was
7 like a scrap of something, I believe.

8 Q And were you able to account for all three rounds
9 that were fired?

10 A We were.

11 Q Two found at the scene, one in Mr. McKinney's
12 lower vertebrae?

13 A Correct.

14 Q Your next step?

15 A After the autopsy, I went through, uhm, I ended
16 up -- so we have a CAD print-out. So when a call like this
17 gets dispatched, you can only imagine that there's just a
18 lot of officers that attach, a lot of uniform officers. So
19 as the -- basically, what I did was I went through the CAD
20 report to try to go through that.

21 Q What's CAD again?

22 A I'm sorry. It's our -- so it's our computer
23 print-out of the call that the dispatchers -- as the
24 dispatcher is broadcasting or hearing officers say
25 something, they enter it in. And then, basically, we can go

1 back into the call and just do a history on the call to find
2 out what officers attached, maybe what they said on the air,
3 what dispatch says to officers, that kind of thing.

4 Q So in connection with the CAD print-outs and your
5 interviews, other time lines, were you able to do a --
6 almost a threefold time line of this event?

7 A I was.

8 Q Let's grab that exhibit, and if you can just take
9 us through that.

10 A Yep.

11 Q From your cumulative knowledge of this case.

12 A Yep. So, the initial -- I don't need to block
13 your line. So what we did is this initial is the deceased's
14 activities during the day. And so through interviews we
15 were able to determine that he was with mom and uncle at the
16 20341 NE Halsey Street, number B, and -- on the 27th, so
17 January 27th, 2012.

18 Q And that chart is color coded?

19 A It is.

20 Q Are you receiving information from various
21 sources?

22 A Yeah. So the yellow is basically from reports,
23 from interviews of witnesses. Uhm, and then when I get into
24 the -- let's see -- when I get into -- this is information
25 that I took off the call history, and a combination of what

1 the dispatcher is saying, and then units that are attaching
2 themselves as the call is coming out.

3 Uhm, so in the first section here, we determined
4 that he was -- basically had woke up and was with his mom
5 and his uncle. And then that they -- he meets up with
6 Colleen Hewitt, his girlfriend, at approximately 2:00 p.m.,
7 and they got -- they met each other on the MAX at some
8 point. And they go to a court date down here, downtown.

9 At 5:43 to 7:22 p.m., we have -- we have the
10 deceased at Pappy's at 1144 NE 82nd Avenue. Detective Odil
11 should have talked about that as far as his observations.
12 Uhm, at 7:30 p.m., we have him -- the deceased at Kelly's at
13 14717 NE Division Street. And, again, Detective Odil should
14 have talked about that as far as the video goes. At
15 approximately 9:30 p.m., we have everyone leaves Kelly's.
16 And at 10:41 p.m., we have the deceased at 2609 SE 145th
17 Avenue. And that is at Melinda --

18 Q Melinda Zarn?

19 A Zarn. Thank you.

20 Q That's the mother of his children?

21 A Yes. So ex-girlfriend, mother of his children.
22 And so we have him there. At 11:10 p.m., we have him in a
23 Broadway cab and headed over to the 20341 NE Halsey Street,
24 so getting dropped off at 11:41 p.m. The call comes in at
25 11:48 p.m. And basically dispatch -- they dispatch

1 Officers Joe Kaiser and Officer Morton.

2 Q So, Detective, the time he was dropped off from
3 the cab and the first call -- the 911 call, were you able to
4 coordinate those times, whether they matched? In other
5 words, is the cab time the same as your 911 time, are they
6 synced in time, or do you know?

7 A I do not. I don't. And this is -- and that time
8 is being taken from the cab. So, I don't know if there's
9 any doubt.

10 Q All right.

11 A So this time of 11:48 is from dispatch. So as
12 they are receiving the call and the subject is complainant's
13 son, Larry McKinney, white male, five foot nine, muscular,
14 white tank top.

15 Q We'll listen to that call shortly.

16 A Okay. So, they dispatch -- basically dispatches a
17 call out. They -- at 11:49, they update the call, saying,
18 you know, that the deceased had broken a door. At 11:52 we
19 have officers on scene, and that would be -- that would be
20 Officer Kaiser and Officer Morton. At 11:54 p.m., we have
21 complainant is -- and that would be mom coming outside to
22 flag the officers, she will be standing in the front of the
23 location. And then at 11:55 we have Officer Kaiser saying
24 shots fired, one down.

25 And then after the shots fired call, we have -- we

1 have, you know, all of these officers right here basically
2 responding to the scene to assist, because basically they
3 don't know what is going on. All they know is shots are
4 fired and they are going to assist.

5 Q Okay. Now would be an appropriate time to play
6 the 911 call.

7 (911 call played at 12:45, and is inserted at
8 this point in transcript.)

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1 BY MS. MASCAL:

2 Q You gathered the 911 calls?

3 A Yes.

4 Q The dispatch calls?

5 A Yes.

6 Q Did you talk to Sandra Kelley again at any time?

7 A Uhm, I just initially talked with Sandra Kelley,
8 uhm, in the evening, and explained to her why we would like
9 to have consent, you know, basically to enter into her
10 apartment. And I also explained that to the uncle, and was
11 able to get signed consent to get in there.

12 Q Okay.

13 A And I also obtained restraining orders.

14 Q I'll talk with the other witnesses about that.

15 A Okay.

16 Q Anything else, detective, not that that isn't
17 enough, but is there anything else you did?

18 A I think that's probably it for now.

19 Q Any questions about the time line, the 911 call?

20 A We just have Detective Asboe in case you needed
21 anything from him -- there might be an EMS.

22 Q Questions for Detective Yohe?

23 GRAND JUROR: You know, we had that little
24 discrepancy in the time earlier, and I noticed there's
25 like an hour and ten minutes between everyone leaving

1 Kelly's and Melinda's house; is that relevant at all?

2 THE WITNESS: Can you just point out, sir,
3 where you're talking about?

4 GRAND JUROR: 9:30 p.m., leaves Kelly's. My
5 understanding is that's just a -- like a couple of
6 blocks; right?

7 THE WITNESS: We just don't know where he
8 went. It's a time period that, you know, we can only --
9 I could only put down on the time line things that --
10 where and that's all we have by video and by
11 witnesses. We just don't know. We don't know where
12 he went in between that time. So any break in the
13 time line is just time, you know, even between here
14 somewhere in the afternoon to 2:00 p.m., we don't know
15 the path he took to get to all --

16 GRAND JUROR: Okay.

17 MS. MASCAL: Thank you.

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