

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS

APR 23 2015

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

JAMES W. McJANNET, CLERK  
By: mesg/1081 DEP CLERK

MICHAEL SPRADLING, as Personal Representative  
of the Estate of WILLIAM COLLIN SPRADLING,  
deceased,

Plaintiff,

v.

CLAY HASTINGS, MICHAEL FORD, FREDERICK  
"STEVE" WOODALL and AARON SIMON,  
individually and in their official capacities, STUART  
THOMAS, individually and in his official capacity,  
THE CITY OF LITTLE ROCK, a municipality,

Defendants.

Case No.: 4:15cv238-JM

\*\*\*JURY TRIAL DEMANDED

This case assigned to District Judge Moody  
and to Magistrate Judge Kearney

**COMPLAINT**

COMES NOW, Plaintiff, MICHAEL SPRADLING, Personal Representative of the  
Estate of WILLIAM COLLIN SPRADLING, deceased, by and through his attorneys, and for his  
Complaint, states as follows:

**JURISDICTION and VENUE**

1. This action arises under the United States Constitution, under the Fourth and  
Fourteenth Amendments, and under federal law, particularly 42 U.S.C. § 1983, and the laws of  
the State of Arkansas. This Honorable Court has jurisdiction by virtue of 28 U.S.C. §§ 1331,  
1343 and 1367. Venue is founded in this Court upon 28 U.S.C. § 1391, as the acts of which  
Plaintiff complains arose in this District.

2. This civil action is re-filed, with the current pleading, pursuant to the Arkansas  
"savings statute," A.C.A. § 16-56-126. The action was previously filed in federal court in the  
Eastern District of Arkansas, as *Michael Spradling, as Personal Representative of the Estate of  
William Collin Spradling, deceased, v. Clay Hastings, Michael Ford, Frederick "Steve"*

*Woodall, and Aaron Simon, individually and in their official capacities, Stuart Thomas, individually and in his official capacity, and the City of Little Rock, a municipality*, Case No. 4:12-CV-693-JMM, and was dismissed without prejudice by the Honorable James M. Moody, Jr., on April 24, 2014. *See April 24, 2014 Voluntary Dismissal Order, attached as Exhibit A.* The Eighth Circuit applies A.C.A. § 16-56-126 to § 1983 claims, and Plaintiff, in bringing the current cause, invokes said Arkansas statute. *Whittle v. Wiseman*, 683 F.2d 1128, 1129 (8<sup>th</sup> Cir. 1982). The Eighth Circuit and Rule 9(b) of the Arkansas Rules of Civil Procedure require that fraudulent concealment be pled with particularity.

### **PARTIES**

3. At all relevant times, WILLIAM COLLIN SPRADLING (“COLLIN”) was a citizen of the United States of America and was, therefore, entitled to all legal and constitutional rights afforded citizens of the United States of America. On July 16, 2008, COLLIN was shot and killed by CLAY HASTINGS (“HASTINGS”), MICHAEL FORD (“FORD”) and FREDERICK “STEVE” WOODALL (“WOODALL”) of the Little Rock Police Department (“LRPD”).

4. The heirs-at-law and beneficiaries of COLLIN, namely MICHAEL SPRADLING (“PLAINTIFF” and COLLIN’s father), Judith Spradling (mother), Nicole Holland (sister), Megan Sever (sister) and W.T.S. (minor son), are all citizens of the United States of America and, therefore, they are entitled to all legal and constitutional rights afforded citizens of the United States of America. PLAINTIFF is a court-appointed Special Co-Administrator of the Estate of William Collin Spradling. *See* July 25, 2008 Probate Court Order attached as *Exhibit B*. PLAINTIFF brings this action on behalf of the estate and on behalf of COLLIN’s heirs-at-law and beneficiaries above.

5. At all relevant times, including July 16, 2008, HASTINGS was employed by the City of Little Rock as a police officer, and acted under the color of state law, and within the scope of his employment. At all relevant times, HASTINGS was held out as properly trained in police work, including, but not limited to, the Fourth Amendment of the United States Constitution, proper arrest procedures and the limitations placed upon the use of deadly force.

6. At all relevant times, including July 16, 2008, FORD was employed by the City of Little Rock as a police officer and acted under the color of state law, and within the scope of his employment. At all relevant times, FORD was held out as properly trained in police work, including, but not limited to, the Fourth Amendment of the United States Constitution, proper arrest procedures and the limitations placed upon the use of deadly force.

7. At all relevant times, including July 16, 2008, WOODALL was employed by the City of Little Rock as a police sergeant and acted under the color of state law, and within the scope of his employment. At all relevant times, WOODALL was held out as properly trained in police work, including, but not limited to, the Fourth Amendment of the United States Constitution, proper arrest procedures and the limitations placed upon the use of deadly force.

8. At all relevant times, including July 16, 2008, AARON SIMON ("SIMON") was employed by the City of Little Rock as a police officer and acted under the color of state law, and within the scope of his employment. At all relevant times, SIMON was held out as properly trained in police work, including, but not limited to, the Fourth Amendment of the United States Constitution, proper arrest procedures and the limitations placed upon the use of deadly force.

9. At all relevant times, including July 16, 2008, Bryan Gasaway ("Gasaway"), Michael Lundy ("Lundy"), and Christopher Bonds ("Bonds") were each employed by the City of Little Rock as police officers, and each acted under the color of state law, and within the scope of

their employment. At all relevant times, these officers were held out as properly trained in police work, including, but not limited to, the Fourth Amendment of the United States Constitution, proper arrest procedures and the limitations placed upon the use of deadly force.

10. At all relevant times, including July 16, 2008, Little Rock Police Chief, STUART THOMAS (“THOMAS”), and Lt. Terry Hastings (“Lt. Hastings”) were employed by the City of Little Rock (“CITY”) as police officials superior in rank to HASTINGS, WOODALL, FORD and SIMON, and each acted under the color of state law, and within the scope of their employment. At all relevant times, THOMAS and Lt. Hastings were ostensibly trained in police work, including, but not limited to, the Fourth Amendment of the United States Constitution, proper arrest procedures and the limitations placed upon the use of deadly force.

11. At all relevant times, the CITY was a municipality organized and existing under the laws of the State of Arkansas. At all relevant times, the CITY was located in the County of Pulaski, State of Arkansas, and was the employer of the individually-named defendants. The CITY is and was empowered, funded and directed to pay any § 1983 civil rights judgment for compensatory damages, actual damages, and attorney fees for which any city employee acting within the scope of his or her employment is found liable. The CITY is an indemnification party for those liable in the acts of which PLAINTIFF complains.

12. At all relevant times, the CITY was insured against lawsuits premised upon the actions or omissions of its police officers, within the scope of employment, which constitute violations of citizens’ civil rights. The acts of which PLAINTIFF complains constitute a civil rights lawsuit against the CITY and the other city-employed defendants. The CITY is a primary or secondary indemnification party regarding the acts of the city-employed defendants of which PLAINTIFF complains.

13. At all relevant times, the CITY was a municipality which participated in the Municipal Legal Defense Program. The acts of which PLAINTIFF complains constitute a civil rights lawsuit against the CITY and the other city-employed defendants. The Municipal Legal Defense Program is a primary or secondary indemnification party regarding the acts of the CITY and the city-employed defendants of which PLAINTIFF complains.

14. In regard to the excessive force alleged by City of Little Rock resident, Demetrius Curtis in 2008, as reflected in LRPD File #08-4014, and case caption, *Curtis v. [LRPD officer], et al.*, the CITY settled Mr. Curtis' claim of excessive force against certain LRPD officers, on behalf of those LRPD officers.

15. In regard to Mr. Curtis' claim of excessive force against certain LRPD officers, in the case styled *Curtis v. [LRPD officer], et al.*, the CITY, in fact, indemnified those LRPD officers.

16. Prior to July 16, 2008, the CITY had paid settlements for individual police officers who were sued under allegations of excessive force committed by the officers, within the scope of their employment.

17. At all relevant times, including July 16, 2008 and for years prior thereto, THOMAS had final policy-making authority in terms of creating, adopting, implementing and/or enforcing police policies within the LRPD, whether formal or informal. At all relevant times, including July 16, 2008, and for years prior thereto, THOMAS had final decision-making authority in terms of training, supervision, control and discipline of LRPD officers. Per policy, THOMAS is notified of all Early Intervention Systems ("EIS") alerts that LRPD officers trigger.

18. At all relevant times, LRPD Rules and Regulations were promulgated by the Chief of Police and approved by the legislative body of the City of Little Rock, per § 19-1604,

Arkansas Statutes Annotated. The LRPD Rules and Regulations (“RR”) mandate that the provisions contained therein shall be observed by all sworn members of the Department in order to maintain the confidence, respect and support of the community.

**PERTINENT LRPD GENERAL ORDERS AND RULES & REGULATIONS**

19. At all relevant times, General Order (“GO” or policy) 303 (*Use of Force*) was in effect, and constitutes the LRPD’s official policy for uses of force by LRPD officers. GO 303 mandates Detective Division (“DD”) and Internal Affairs (“IA”) Investigations whenever a LRPD officer has used deadly force. DD and IA investigations are “internal,” meaning that each of them is conducted by fellow LRPD officers, who are also employees of the CITY.

20. Per GO 303, the DD investigation is a criminal investigation to facilitate successful prosecution, if deemed appropriate, by the Prosecuting Attorney’s Office (“Prosecutor”). The IA investigation is an administrative investigation to ensure compliance with LRPD GO’s and RR.

21. Per GO 303, THOMAS is required to review each DD Investigation file and each IA Investigation related to police-involved shootings. Moreover, THOMAS has attested that he has reviewed each and every DD and IA investigation file related to police-involved shootings during his tenure as Chief of the LRPD, from 2005-13. In an affidavit from a prior cause, THOMAS has attested that “No incident or complaint has been ignored” by him.

22. GO 303 also provides for a Deadly Force Review Board (“DFRB”), the purpose of which is to review and evaluate incidents of firearms discharge, which result in injury or death, by sworn members of the LRPD, while in the performance of their duties as police officers. The DFRB reviews the DD and IA investigation files. Per GO 303, the objective of the

DFRB is to make recommendations directly to the Chief concerning firearms discharge in order to avoid future similar incidents.

23. At all relevant times, there existed within the LRPD a Crime Scene Specialist Unit (“CSSU”). GO 303 states that the CSSU “will be summoned to the scene of all officer-involved shootings, and will process the scene for evidence in compliance with standard investigative procedures.” It states that the “first supervisor on the scene of an officer-involved shooting or other incidents established above shall take charge and limit unnecessary access to the scene,” and the “field supervisor in charge at the scene will be responsible for the integrity of the crime scene until it is released to the Detective Division supervisor.” At all relevant times, the CSSU was under the authority of THOMAS and the CITY.

24. At all relevant times, GO 316 (*Mobile Video Recording Equipment*) was in effect, and states that “MVR equipment will be assigned and deployed at the direction of the Chief of Police,” and that “MVR equipment, including wireless microphone, will be active during all traffic stops, pursuits, and enforcement actions, including calls for service, prisoner transports, field contracts and interviews.”

25. GO 316 states that “[t]he officer and/or Sergeant will ensure that the wireless microphone remains activated at all times during citizen contact to provide narration with the video.” GO 316 also states that “[o]fficers and/or Sergeants will inspect the MVR equipment at the beginning of the tour of duty; any problems with the MVR equipment will be referred to a Supervisor immediately.”

26. GO 316 states that “Tampering with or disabling MVR equipment, shielding, or taking any other action, which interferes with the proper operation of MVR equipment is cause for disciplinary action.” GO 316 also states that “Officers and/or Sergeants will not deactivate

the MVR equipment until the recorded contact is complete.” GO 316 states “Intentional deactivation during incidents where the use of the MVR equipment is required by this Order may be cause for disciplinary action. Obstructing, shielding, or any act of interference with the MVR equipment is not permitted.”

27. GO 316 states that “Video data files will be managed in a manner that complies with these General Orders and IT protocol. Secure video data file storage facilities and duplication equipment will be established and maintained in each Division in which MVR equipment is utilized.” GO 316 further states that “Sergeants will ensure that CD/DVD copies of the video data file are included in supervisory review files required by the General Orders.”

28. THOMAS has testified under oath that while police statements can be self-serving, videotape is not self-serving, and where video footage of an incident is in conflict with an officer’s oral account of the same incident, one should rely on the video over the conflicting oral account to resolve the conflict.

**PRIOR TO JULY 16, 2008, AND BEYOND, AN AFFIRMATIVE PATTERN OF POLICE MISCONDUCT EXISTED AT THE LITTLE ROCK POLICE DEPARTMENT**

29. Prior to July 16, 2008, the CITY was on notice that an affirmative pattern of police misconduct existed at the LRPD, and the CITY was deliberately indifferent to said pattern, which violated the United States Constitution and the laws of the State of Arkansas, and which endangered the lives of Little Rock residents and LRPD police officers.

30. Of LRPD investigations of one hundred-eighty-five (185) certain types of allegations of police misconduct (police-involved shootings, harassment, excessive force, sexual misconduct, unlawful arrest, unlawful entry, illegal search and threatening/retaliation), between the years 2005 and 2010, only seven of these allegations were sustained by the LRPD. Of eight-five (85) excessive force allegations during that timeframe, only two were sustained. Prior to



July 16, 2008, the LRPD had never found a police-involved shooting to be unjustified, regardless of the facts.

31. Prior to July 16, 2008, the CITY and THOMAS were on notice that LRPD police officers engaged in habitual police misconduct, including excessive force, failure to document uses of force, untruthfulness and a pervasive “code of silence,” which perpetuated the pattern of police misconduct, and was itself misconduct.

**Officer #1**

32. On May 30, 2004, while dressed in his official LRPD uniform, and working off-duty security at Little Rock’s River Market Festival, Officer #1, a supervisory captain, consumed alcohol during his security shift. He had stored the alcohol in the trunk of his LRPD-issued vehicle. Later in the shift, he and several of his LRPD subordinates got into a physical fight with a group of African-American teenagers in the street, in open view of the public.

33. Despite the uses of force committed by Officer #1 and the other LRPD officers, Officer #1 did not report the incident, or notify anyone at LRPD about it. The LRPD learned of the incident when one of the victims came forward.

34. The officers were cited by LRPD for public intoxication, improper handling of a city vehicle, failure to document use of force, battery, failure to carry ID, conduct unbecoming an officer, failure to supervise and untruthfulness. Despite the seriousness of these sustained violations, Officer #1 was not terminated, but instead received a 30-day suspension.

**Officer #2**

35. Officer #2<sup>1</sup> is the son of a supervisory officer at the LRPD. Prior to Officer #2’s employment as an LRPD officer, the CITY learned that he had attended a Ku Klux Klan gathering. In an official January 2007 memorandum, an African-American LRPD officer voiced

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<sup>1</sup> Officer #2 is no longer employed by the CITY.

his objection to the hiring of Officer #2, calling him a “potential liability.” Officer #2 was hired nonetheless. THOMAS was aware of the issue prior to Officer’s #2’s hire, and also received and reviewed a copy of the January 2007 memo prior to the hire.

36. During his career, starting in 2007, the LRPD sustained at least eleven (11) charges of policy violations against Officer #2, including dereliction of duty, profanity, reckless driving, failure to communicate, loafing, untruthfulness, disobeying direct orders, missing court, and failing to submit a report regarding a dead body. Among Officer #2’s transgressions were four sustained violations of GO 316, for not assuring his MVR recording devices were operational. Officer #2 was not terminated for any of these sustained violations.

37. On August 12, 2012, Officer #2, while on-duty, shot and killed a 15-year-old African-American boy, whom he claimed was trying to run him over in a car. A subsequent LRPD investigation determined that Officer #2 was untruthful about material aspects of the shooting, and that the shooting was unjustified.

### **Officer #3**

38. From 1997 to 2005, the LRPD disciplined Officer #3 for violations of policy related to four separate domestic violence incidents, some of which occurred in a public setting with the officer in uniform. Despite the seriousness of these sustained allegations, Officer #3 was not terminated, but instead suspended.

39. On September 10, 2007, after a fifth domestic abuse complaint against Officer #3, THOMAS reviewed the complaint allegations and an official LRPD memorandum regarding the incident. At the bottom of the memorandum, he wrote that Officer #3 “has a history of domestic issues and is to be cautioned.”

40. After September 10, 2007, Officer #3 was involved in two more domestic violence situations, both of which resulted in the LRPD sustaining the allegations against him. Upon information and belief, Officer #3 was involved in another domestic violence situation in 2014 or 2015.

41. By the time Officer #3 was involved in a July 7, 2012 in-custody death, he had amassed at least thirty-six (36) sustained misconduct allegations, resulting in sixty-three (63) days of suspension, eight counseling sessions, twelve (12) letters of reprimand and seven oral reprimands in his career. Despite the seriousness of the sustained violations, and the recent allegations, Officer #3 remains a member of the LRPD.

#### **Officer #4**

42. From 1993 to 2012, the LRPD sustained at least twenty-eight (28) violations of policy or rules against Officer #4, including at least nine violations of GO 302 (*Operation of Departmental Vehicles*), in one of which, she “engaged in a pursuit as the primary unit with a citizen in the back seat” of her patrol vehicle, causing injuries to the citizen.

43. Among Officer #4’s violations of policy and rules are violations of GO 316, GO 303 and 1/4002.00 (*Conduct Unbecoming*).<sup>2</sup> In July 1999, in File #99-2503, a victim filed a complaint alleging that Officer #4 came to her house and threatened her, resulting in a finding of “sustained” violations of RR 1/4001.00 (*Dereliction of Duty*)<sup>3</sup>, 1/4002.00 and 1/4003.00<sup>4</sup>, and a 3-day suspension for Officer #4.

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<sup>2</sup> RR 1/4002.00 reads: “Officers shall not engage in any conduct which constitutes conduct unbecoming an officer or neglect of duty.”

<sup>3</sup> RR 1/4001.00 reads: “Dereliction of duty on the part of any officer, detrimental to the proper performance of the functions of the Department, is cause for disciplinary action. The offender shall be punished according to the severity of the violation, the results brought by the dereliction, and the effect it has upon the discipline, good order, and best interest of the Department...”

44. Also in 1999, in File #99-2501, the LRPD sustained allegations against Officer #4 regarding her failure to follow the city leash laws. In that same matter, the LRPD determined that Officer #4 left the geographical area of her sector without clearance to do so by communications and without supervisor approval. Also in that same matter, the LRPD determined that Officer #4 violated RR 1/8002.00<sup>5</sup> by personally filing criminal charges against a neighbor who complained that she was not abiding by the city leash laws.

45. At least twenty-nine (29) instances of misconduct were sustained by the LRPD against Officer #4 during her career, and despite the repeated nature of these serious violations, which include an officer breaking the law, and then using the power of the state to retaliate against the person who reported the illegal act, Officer #4 was not terminated, and remains an active office with the LRPD.

**LRPD Code of Silence Conceals Improper Uses of Force and Police Misconduct**

46. An historical hallmark of the LRPD's flawed discipline system is a recurring "code of silence," where LRPD investigators disregard, ignore or conceal evidence of police misconduct. Prior to July 16, 2008, the CITY was on notice that for years there was an informal custom within the LRPD of concealing from the public improper uses of force and police misconduct, by various means, so as to constitute a "code of silence" policy.

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<sup>4</sup> RR 1/4003.00 reads: "No officer shall engage in any personal act or conduct which, if brought to the attention of the public, could result in justified criticism of that officer or the Department. No officer shall be personally involved in disturbances or police incidents to his/her discredit."

<sup>5</sup> RR 1/8002.00 reads: "No officer shall investigate any criminal case or personally file any criminal charges in any court against any person for a criminal offense committed against him/her or any member of his/her family except Class C misdemeanors occurring in the officer's presence while on duty. Other offenses that may be committed against him/her or members of his/her family shall be reported to the division having responsibility for investigating such offenses. The personnel of that division shall investigate and file such charges as may be proper."

47. Since 2005, the LRPD has failed to terminate officers involved in: 1) untruthfulness, falsifying investigation records and failing to arrest in a reported domestic abuse incident; 2) falsely alleging criminal acts against the wife of a man with whom a female LRPD officer was having an affair; 3) disobeying a direct order from THOMAS not to confront a female LRPD officer's ex-husband's new girlfriend; 4) untruthfulness during an investigation where it was determined that the LRPD officer had become romantically involved with a narcotics informant; and 5) providing confidential police data to a friend to use for retribution against the person to whom the data related.

48. LRPD sergeants have confirmed the existence of a "code of silence" at the LRPD. Det. J.C. White is a veteran officer of the LRPD, and has years of experience handling police-involved shootings involving LRPD officers. On June 3, 2013, in a discovery deposition in a prior cause, in the presence of THOMAS, Det. White testified to his belief that, by doing internal investigations of police-involved shootings rather than seeking an outside review, the LRPD has essentially created a conflict of interest situation which results, *de facto*, in police officers not being criminally charged, regardless of the facts.

#### **Officer #5**

49. In January 2005, regarding File #05-3515, an on-duty LRPD officer, Officer #5, physically struck a seated criminal suspect, knocking him off of his chair, and causing him to hit his head against a wall. Officer #5's use of force was captured on jail videotape, which was viewed by his supervising sergeant. Despite the videotaped use of force on the seated suspect, Officer #5 and the sergeant conspired to falsely claim that the man got up off his chair and "ran" into the Officer #5's hand. The matter was investigated by LRPD only after the suspect filed a citizen's complaint. Neither Officer #5 nor the sergeant was terminated for the cover-up attempt.

THOMAS gave Officer #5 a two-day suspension, and did not sustain charges of failure to document a subordinate's use of force or untruthfulness against the sergeant.

#### **Officers #6 and 7**

50. In 2006, in File #06-3811, off-duty LRPD officers, Officer #6 and Officer #7 physically battered a young man at an LSU-Arkansas football game while tailgating off-duty. Several other LRPD officers, witnessed the battery, which resulted in serious injuries to the victim, but none of them intervened or reported the incident. A supervising lieutenant learned of the incident from Officer #6, and yet he did not report it, conspiring with the involved officers. The incident was only discovered by the LRPD when the victim came forward. Despite the seriousness of the allegations, and the evidence of a cover-up, none of the officers was terminated. For his part, the supervising lieutenant was disciplined with a letter of reprimand, and continued his supervisory duties as a high-ranking lieutenant on the DFRB, where he was responsible for recommending to the CITY, ways to avoid the use of deadly force and misconduct among LRPD officers.

#### **Officers #8 and 9**

51. In the matter of *Curtis v. [LRPD officer], et al.*, African-American man, Demetrius Curtis, alleged that he was beaten while handcuffed during a traffic stop. He told investigators that Officer #8 “just reached in and hit me across my jaw” with a closed fist. Though there was no video of the alleged assault due to a “six-minute gap” of missing footage, audio of the incident captured not only the sounds from the assault, but also Officer #8's partner, Officer #9, confronting Officer #8 about his improper actions.

Officer #9: That's the reason I told you don't go over there to begin with...

Officer #8: Dude I was *talking* to him.

Officer #9: It is clear on camera all you hear is smack.

Officer #8: I didn't smack him.

Officer #9: Dude I heard the f\*cking skin hit from over here.

Officer #8: No you didn't.

Officer #9: I told you not to talk to him because you were pissed off.

Officer #8: I don't know what *you* f\*cking heard.

Officer #9: Well not on paperwork. Don't get mad at me.

52. Clearly, Officer #9 was aware that his partner physically struck a defenseless, handcuffed man during this traffic arrest, and even chastised him for it. Yet, during the official LRPD investigation to determine whether Mr. Curtis' was a victim of excessive force, Officer #9 used the "code of silence" to protect his partner:

"I did hear Mr. Curtis scream at one point uh-why'd you hit me? You hit me or something along those lines of that and I walked back there. *Officer [#8] shut the door and I walked back there and asked kind of did you hit him and he said no, and I just kind of left.* I went down there and Officer [#8] said he didn't hit him. *Officer [#8] didn't hit him* then...Uh, to my understanding Officer [#8] said that the guy tried to step out and he told him to get back in the car and the guy wouldn't get back in the car and he had to shove him. *When I turned around [Officer #8's] hand was extended out but I never saw any closed fists, open hand smack to the face, anything along the lines of that.* I just saw an arm extended out and that was- he said he didn't and I said well I turned around and that was it." (emphases added)

53. LRPD investigators then played the aforementioned audio recording wherein Officer #9 clearly states his belief that his partner struck Mr. Curtis so that Officer #9 "could refresh his memory of the incident." Confronted with the recording, Officer #9 changed his

story, stating instead that he did hear “something striking- a striking noise. Uh, a flat I guess kind of noise. I hear uh- sort of a clapping sound...like a striking sound, open-open hit. I guess open palm.” Officer #9 could not explain to investigators what he meant by “not on paperwork.” He did not mention Officer #8 striking Mr. Curtis in his official report. Nor did he inform a supervisor, which is a violation of policy.

54. Despite Mr. Curtis’ allegations and the irrefutable audio recording that substantiates his claims, all charges against the officers (unnecessary use of force, failure to act, failure to report, untruthfulness, harassment and MVR violations) were deemed unfounded.

55. A LRPD investigator in the matter said “I have considerably less faith in MVR systems than I do in Officer [#8’s] word...I conclude that both officers were attempting to be truthful under the challenging circumstances...”

56. At his deposition, THOMAS stated that during the investigation into Mr. Curtis’ allegations, he listened to the audio from incident. The “six-minute gap” was never explained or resolved. Despite the evidence, THOMAS accepted that the officers’ chain of command could not establish, in fact, that Mr. Curtis was struck by Officer #8.

57. Though Mr. Curtis’ complaints were deemed unfounded by the CITY, and though the Civil Service Commission upheld that decision, Mr. Curtis filed a civil rights lawsuit, which the CITY later settled for \$10,000.

#### **Officers #10 and 11**

58. In another matter, in May 2009, File #09-420, Officer #10 physically struck a handcuffed juvenile in presence of at least four other LRPD officers, including Officer #11. Officer #10’s use of force, as well as his failure to report same, were violations of GO 303. A subsequent audio recording captured Officer #10 saying that the juvenile wanted to “talk crap



and bow up on me,” and that Officer #10 had to “about beat the hell out him right there.” Officer #11 reported the incident to his supervising sergeant, who took no action, and instructed Officer #11 to draft a false report which stated that the juveniles were taken into custody without incident. Officer #11 did as he was told, but later recanted, and informed another supervisor, who initiated an internal investigation. None of the involved officers was terminated for their role in assaulting the juvenile, or for covering it up, and the supervising sergeant was totally exonerated.

**A Pattern of Conflicts of Interest in LRPD Police-Involved Shooting Investigations**

59. During a discovery deposition in a prior cause, in the presence of THOMAS, Det. Tommy Hudson (“Hudson”) confirmed the existence of an LRPD “code of silence,” in regard to his wife, who is also an LRPD detective, and with whom Hudson has executed search warrants of peoples’ homes. His testimony demonstrates the allowance of conflicts of interest by the CITY which serves to frustrate the basic truth-seeking goals of the investigation process:

Q: And if you witnessed [your wife] do something that was impermissible, a constitutional violation that only you saw, what would you do?

A: It would depend on the circumstances.

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Q: Well, what would it depend on, Detective?

A: Are you talking about a violation of the rules and regulations, or are you talking about state law, federal law?

Q: I said [LRPD] general order, which you have a duty to report.

A: Probably not a general order, no.

Q: You would not – you would not report your wife’s violation of a general order if you saw it?

Q: Probably not.

60. Hudson's testimony is indicative of how seriously he, an investigator of police-involved shootings, regards LRPD policies, adherence to which is expressly mandatory. He further testified as to the inevitability that LRPD officers break the rules, again, in the presence of THOMAS:

Q: Do you think that some violations are worth noting and others are not?

A: Depending on the circumstances, you can – there are so many rules and regulations in general orders of the Little Rock Police Department. You can't almost hardly go to work without violating something sometime.

61. In File #10-4351, a police-involved shooting, the DFRB noted that an officer had a "major role in the criminal investigation and then served as a representative of the F.O.P. for [the involved officer] during his Internal Affairs Interview." While the DFRB did identify this conflict, it was only concerned about the appearance of impropriety, and did not address whether there had been an actual compromise in the investigation due to the conflict. The involved officer in File #10-4351 was exonerated.

62. It is well-established that the office of the Little Rock City Attorney teaches recruits and LRPD officers on the subjects of deadly force and the Fourth Amendment of the United States Constitution. The City Attorney also visits the scenes of police-involved shootings, observing the scene and evidence. The City Attorney has a permanent seat on the DFRB, which is impaneled in every police-involved shooting case. Lastly, if a victim of a police-involved shooting files a lawsuit against LRPD officers, the City Attorney enters an appearance on their behalf, preventing opposing counsel from calling him as a witness.

63. Allowing husband-wife teams to execute search warrants of peoples' homes, as well as having officers and other agents, servants and employees of the CITY wear multiple administrative "hats," create multiple conflict of interest situations, where individuals are inhibited from reporting violations of police policy, if observed or learned. Such conflicts perpetuate a pattern of police misconduct, and condone a "code of silence."

64. On July 22, 2013, in a discovery deposition, THOMAS admitted that the LRPD does not keep a list of officers who have been found to be untruthful during official police matters, per *Brady v. Maryland*, for transmission to the Prosecutor, so that this information may be disclosed to criminal defendants against whom the untruthful officers offer testimony on behalf of the State of Arkansas. This means that the CITY has historically withheld from the criminal defense bar and from the public, exculpatory evidence which could be utilized by criminal defense attorneys to challenge the veracity of arresting officers.

65. These improper practices contribute to a pattern of acquiescence of police misconduct, and institutionalize the "code of silence." These informal customs also serve to frustrate the truth-seeking function of the investigation process.

**A Pattern of Mishandling Evidence in Police-Involved Shooting Investigations**

66. Prior to July 16, 2008, the CITY was on notice that there was an informal custom within the LRPD of misconduct and willful laxity committed by LRPD investigators and CSSU technicians when handling physical evidence related to police-involved shootings, as well as when documenting the handling of physical evidence.

67. In May 2006, in File #05-3568, a police-involved shooting, the DFRB found inconsistencies in the documentation of the handling of involved officers' weapons. Specifically, the DFRB found that the CSSU report stated that two magazines were received

from a supervisor but that his statements make no mention of him handling the evidence, which is a failure to adhere to proper chain of custody protocol.

68. In May 2006, the DFRB in File #05-3598, a police-involved shooting, again found inconsistencies in the reporting of evidence handling, noting that one supervisor said he gave an involved officer's weapon to CSSU, while CSSU stated it was recovered from another supervisor. The DFRB recommended a clarification in policy regarding the process for taking officers' weapons after a shooting, but, in fact, no such policy change was made.

69. In July 2006, the DFRB in File #05-3481, a police-involved shooting, found that a supervisor failed to clearly articulate the transfer of the involved officers' weapons to a CSSU technician. The DFRB again recommended a change in policy to clarify the handling evidence in police-involved shootings, however, no such policy change was made.

70. In April 2007, in File #06-3817, a police-involved shooting, the DFRB found that there was no evidence testing for gunshot residue on the suspect performed during the investigation, and that LRPD investigators failed to address that fact. Despite the findings of the DFRB, there was no addendum or supplemental report added to the file, or additional testing performed.

71. In July 2007, regarding File #07-3874, a police-involved shooting, the DFRB found that the involved officer was uncertain as to the number of live rounds in her weapon prior to the shooting in question. The DFRB found that the involved officer did not always carry her magazines fully loaded, as required by GO 204 (*Firearms and Ammunitions Regulations*). Despite the seriousness of the incident, and the confirmed violation of GO 204, the officer was not disciplined or re-trained.

72. GO 303 requires that the Detective Division Supervisor draft a Use of Deadly Force Report (Form #5200-26) in every police-involved shooting investigation. In File #10-4414, a police-involved shooting, an investigating sergeant, describing past LRPD practices and customs, acknowledged that “he rarely gets this form after officer involved shootings.” Because Use of Deadly Force Reports are intended to become part of the EIS database, when said reports are not created, that information does not get entered in the EIS, resulting in inaccurate assessments of officers’ use of force history.

**An Informal Custom of Leading Questions in Police-Involved Shooting Investigations**

73. Prior to July 16, 2008, the CITY was on notice that there was an informal custom within the LRPD of police-involved shooting investigators asking helpful leading questions of their fellow officers (who are, in fact, criminal homicide suspects), of neglecting to fully collect witness statements and of interrupting witnesses who try to provide statements which are critical of police.

74. Hudson is a veteran officer of the LRPD, and has years of experience handling police-involved shootings involving LRPD officers. During his aforementioned discovery deposition, in the presence of THOMAS, Hudson testified that the training he received to conduct police-involved shooting investigations was “informal training” and not formal training. He testified that most of his training to conduct such investigations has “been on-the-job training from other detectives. Again,...everything I’ve gotten, I’ve got from people I’ve worked with.”

75. The DFRB has identified a pattern of improper use of leading questions. In May 2006, the DFRB in File #05-3568, a police-involved shooting, found that LRPD investigators used leading questions with officers. It also found that some responses given by investigation witnesses were cut off by LRPD investigators before they could be completed.

76. In 2006, regarding File #06-3749, a police-involved shooting, the DFRB found that LRPD investigators asked numerous leading questions of the officers involved in the incident, and recommended that future investigators ask the involved officers more open-ended questions.

77. In 2007, regarding File #07-3864, a police-involved shooting, the DFRB found that LRPD investigators continued to ask leading questions during interviews with involved officers. The DFRB in File #07-3864 found that LRPD investigators failed to follow up and re-interview the victim's father for additional information, and that they should have. The LRPD never re-interviewed the victim's father in File #07-3864, despite the recommendations in the DFRB report.

78. Despite prior notice of the improper use of leading questions, and recommendations to avoid same, multiple LRPD investigators used leading questions in the following police-involved shooting investigations between 2005 and 2008: #05-5550; #05-3568; #05-3480; #06-3749; #06-3647; #06-101253; #07-3953; #07-3907; and #08-4015. There is no indication that THOMAS instituted any re-training or discipline for police-involved shooting investigators to remedy the informal custom of leading questions.

**A Pattern of Failing to Properly Maintain and Complete Crime Scene Logs  
in Police-Involved Shooting Investigations**

79. LRPD crime scene logs read: "MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE." Despite this imperative, and despite GO 303, for years prior to July 16, 2008, the CITY was on notice that the LRPD had an informal custom of willfully disregarding formalities associated with crime scene preservation, of allowing crucial evidence to become compromised, and of failing to maintain accurate crime scene logs during police-involved shooting investigations.

80. In May 2006, regarding File #05-3568, a police-involved shooting, the DFRB found that the first responding supervisor stated in her report that she assigned an officer to keep a crime scene log. However, despite the contents of the supervisor's report, the DFRB concluded from the file "that such a log was not maintained for some time," and was actually completed at some later time.

81. The DFRB in File #05-3568 also found that the crime scene log conflicted with other official documents in the file, and stated: "The Crime Scene Log indicates that Lt. Whitten was notified at 2340 hours. Yet, the Crime Scene Log reports his entrance to the crime scene at 2308." THOMAS signed off on the DFRB report in File #05-3568, evidencing his awareness of these policy violations.

82. Again in May 2006, regarding File No. #05-3598, a police-involved shooting, the DFRB found inconsistencies regarding various entry/exit times on the crime scene log in the LRPD investigation. It found that a supervising lieutenant never signed in as being in within the crime scene, and also never drafted a letter detailing his actions at the scene, both of which are violations of policy. The supervising lieutenant was never compelled by the LRPD to draft such a letter, and was not disciplined or re-trained for his policy violations. THOMAS signed off on the DFRB report in File #05-3598, evidencing his awareness of these policy violations.

83. In March 2010, in File #09-4277, the DFRB noted that the crime scene log was not properly completed in the investigation, and indicated that the failure to properly complete crime scene logs was a "common issue" for the LRPD in such investigations. THOMAS signed off on the DFRB report in File #09-4277, evidencing his awareness of this pattern of disregarding policy.

84. In fact, prior to July 16, 2008, the CITY was on notice that LRPD investigators in police-involved shootings routinely disregarded proper police investigation protocol by failing to properly maintain and/or complete crime scene logs, as reflected in said incomplete logs from the following police-involved shooting investigations: #05-55549; #05-82453; #05-10918; #06-145060; #06-77942; #06-3401; #06-[blank]; #06-106083; #06-152879; #07-47335; #07-81081; #07-[blank]; #07-28597; #08-39473; and #08-93435. *See Sampling of Incomplete Crime Scene Logs, attached hereto as Exhibit C.*

85. Despite all of the aforesaid notice to the CITY of problems associated with LRPD officers in the field, and of problems associated with LRPD internal investigations performed in police-involved shootings, on July 16, 2008, and at all relevant times, the CITY maintained its custom of not obtaining independent review of LRPD police-involved shootings, and continued to have them investigated internally by employees of the CITY.

**PRIOR TO JULY 16, 2008, AND BEYOND, THERE EXISTED A SYSTEMIC FAILURE TO ADEQUATELY TRAIN, SUPERVISE, CONTROL AND DISCIPLINE OFFICERS AT THE LITTLE ROCK POLICE DEPARTMENT**

86. Prior to July 16, 2008, the CITY was on notice that there existed a systemic failure to adequately train, supervise, control and discipline officers at the LRPD, and, despite this notice, the CITY was deliberately indifferent to this pattern, which violated the United States Constitution, and the laws of the State of Arkansas, and endangered the lives of Little Rock residents and LRPD police officers.

87. This pattern is reflected in the LRPD's willful disregard of administrative tools like the EIS, its custom of ignoring police misconduct, and its deliberate indifference to DFRB recommendations, among other acts and omissions.

**Early Intervention System**



88. In 2004, the LRPD initiated the EIS, which is a database management tool designed to identify officers whose performance shows problems (resulting in an “alert”), so that supervisors can correct those performance problems before potential police misconduct occurs. The EIS is an objective, data-driven warning system. At all relevant times, THOMAS was notified of all EIS alerts triggered by his officers.

89. THOMAS testified at a deposition in another matter that the LRPD willfully failed to properly educate itself on the EIS software. The officer THOMAS placed in charge of maintaining the system disregarded annual EIS educational/re-training meetings for several years. As a consequence of this deliberate indifference to the LRPD’s EIS—an objective tool that is designed to identify problematic use of force trends in officers—it could not realize the goals it was designed to achieve, and problematic officers were not properly identified and assessed.

90. Between 2006 and 2010, the LRPD’s EIS created approximately seven-hundred and seventeen (717) alerts of potentially problematic behavior by LRPD officers. Based on these seven-hundred and seventeen (717) alerts, approximately one-hundred and four (104) files were prepared for supervisory review. Of those approximately one-hundred and four (104) files, only two officers were recommended for intervention, and these were for violations of the LRPD’s sick leave policy. Officers #12 and 13, below, who triggered EIS alerts based on use of force, are indicative of the LRPD’s response to such alerts.

#### **EIS – Officer #12**

91. Officer #12 was hired by the LRPD on March 17, 2006, and accrued three sustained violations of police policy—one of which resulted in an escaped prisoner—by the end of 2006. Officer #12 then triggered seven EIS alerts for uses of force in three years. All of the EIS

alerts were deemed “false alarms” by the LRPD, and no action was taken to correct or address Officer #12’s performance problems regarding his uses of force.

92. In June 2010, in File #10-4352, Officer #12 shot someone in the field, and then triggered EIS alerts on two more instances (for a total of nine) before he shot a 19-year-old African-American male, in July 2011. Officer #12 was exonerated for his actions in both shootings.

**EIS – Officer #13**

93. In 2004, in File #04-44667, Officer #13, was involved in a matter where an injured African-American man, who was an amputee, was tasered after the man’s friend called 911 to request medical assistance for him. There were at least five LRPD officers present at the time the amputee was tasered. This use of force on the injured man was allegedly in response to his becoming belligerent about having to go to the hospital. The amputee was killed as a result of the tasing.

94. A year later, in 2005, Officer #13 pulled over a DUI suspect, and then, in clear violation of police protocol, waved her loaded LRPD-issued firearm in the motorist’s face with one hand, while trying to open his car door with the other, resulting in him fleeing the scene and engaging officers in a high-speed chase past the Clinton Presidential Library Plaza, through the downtown River Market District, and into North Little Rock. The pursuit ended when the motorist was shot by another LRPD officer in North Little Rock. Despite these violations of LRPD policies and police protocol, and the endangering of the lives of Little Rock and North Little Rock citizens, Officer #13 was not disciplined or re-trained based on her reckless actions in the matter.

95. During the aforementioned discovery deposition, in the presence of THOMAS, Hudson viewed video footage of Officer #13's traffic stop and ensuing motor vehicle pursuit, and described the multiple violations of police policy observed on the video:

Q: Okay. Do you remember an incident involving – first of all, you're familiar with the officer by the name of [Officer #13], right?

A: Yes.

Q: What is your opinion of that officer in terms of her qualifications as a Little Rock police officer?

A: Poor.

Q: You think she is not well-qualified to be an officer?

A: Yes.

\*\*\*\*\*

Q: What is your opinion of her physical fitness?

A: Poor.

\*\*\*\*\*

Q: [Watching Officer #13's dashboard video] Now [the DUI suspect is] being pulled over. And I want you to take a look at this approach by Officer #13 and tell me if it's consistent with what you understand police practices are in a traffic stop of a DUI suspect. Do you know why she has her gun drawn?

A: No, sir.

Q: Is that consistent with police practice?

A: No, sir.

\*\*\*\*\*

Q: She's got the gun in one hand, right, and she's grabbing something with the other?

A: Yes.

Q: Now she's put her gun away?

A: Yes.

Q: But the man is not secure, is he?

A: No.

Q: Now she's wrestling with him?

A: Yes.

Q: And here comes another officer, and the [DUI suspect] flees....[W]hat you just witnessed, is that consistent with proper police practices in terms of pulling over a DUI suspect?

A: No.

\*\*\*\*\*

Q: Isn't it dangerous to be holding a gun at someone's face with one hand while doing something with the other hand?

A: Yes.

Q: You saw [Officer #13] do that, right?

A: Yes.

\*\*\*\*\*

Q: Okay. I'm going to continue this, and we'll see where it goes here. It looks like now there's a pursuit?

A: Yes.

Q: It's going toward the Clinton Museum and Library, right?

A: Correct.

Q: And that's an area that's heavily populated with--well, there's a children's school bus here, right?

A: Correct.

Q: A lot of field trips go there, correct?

A: Yes.

Q: There's a lot of tourists, and that's actually—strike that. A lot of tourists will be there, right?

A: Yes, sir.

Q: Officer #13 is engaged in a high-speed pursuit with this guy along the Clinton Presidential Library area?

A: Yes, sir.

\*\*\*\*\*

Q: This guy is putting a lot of people's lives and safety in jeopardy, is he not?

A: Yes, sir.

Q: And, to an extent, so is Officer #13, isn't she?

A: Yes.

\*\*\*\*\*

Q: As a result of that pursuit, Sergeant [] had to get involved, and he wound up shooting the driver, correct?

A: Correct.

96. THOMAS reviewed the video described by Hudson during the original investigation of the incident, and Officer #13 was never disciplined or re-trained despite the multiple violations of policy. Subsequent to this incident, the CITY appointed Officer #13 to the position of Field Training Officer ("FTO"), a position responsible for the training of new police recruits. In October 2007, in her role as an FTO, Officer #13 provided training to Officer #2.

Officer #2 committed many violations of LRPD policy, as described in Paragraph Nos. 35-37 above, including the shooting of a 15-year-old boy on August 12, 2012.

97. Subsequent to the DUI pursuit incident, between the years 2006 and 2010, Officer #13 triggered approximately nine EIS alerts related to her uses of force in the field. All of them were considered false alarms, with the exception of an alert in 2009. The 2009 alert resulted in the monitoring of Officer #13's dashboard video for three months. Then, in 2010, she triggered another EIS alert for twelve (12) uses of force within one year. In the three years prior to the 2010 alert, Officer #13 had amassed forty-one (41) uses of force, all of which were exonerated.

**A Pattern of Disregarding Deadly Force Review Board Recommendations  
Intended to Avoid Future Police-Involved Shootings**

98. In February 2006, in File #05-5550, a police involved-shooting, the DFRB found that the involved officer was confused about protocol for properly securing a firearm in the field. The DFRB found that the involved officer failed to inform his partner of a dropped weapon, and if he had, a second shooting could possibly have been prevented. The officer was not re-trained.

99. In May 2006, the DFRB in File #05-3568 recommended additional firearms training, but the involved officer received no such training. The DFRB found that while a "first line supervisors" handbook had been created, the LRPD failed to provide it for review by officers.

100. In September 2006, the DFRB in File #06-3749 found that the involved officer failed to notify communications of his actions and location, and that it was a violation of training not to do so. The officer was not disciplined or re-trained.

101. In April 2007, the DFRB in File #06-3817 identified a problem with "tactical shooting" in the incident, based on the fact that one of the involved officers accidentally struck the door of an LRPD undercover vehicle with errant bullets. The DFRB warned that an officer

could be struck by an errant bullet “just as easily if we do not make an effort to change this mindset to include identifying safe lanes of fire as well as a safe back stop when discharging a deadly weapon.”

102. There was no retraining ordered for any of the officers who were involved in the incident underlying File #06-3817 regarding their actions or omissions in the incident.

103. In June 2007, the DFRB in File #07-3864 found a lack of “stressful situation” training of officers, and recommended additional training. The DFRB also recommended additional training to communication call takers on gathering information in stressful situations. The DFRB concluded that an officer failed to provide cover for another officer at one point during the shooting, as she should have. The DFRB found that the involved officer failed to notify communications of his location, and the fact that he was attempting to stop a homicide suspect, both of which he was required to do, per policy and protocol. The DFRB found that the involved officer also failed to properly utilize his police radio to communicate during the incident.

104. There was no discipline or retraining ordered for any of the officers who were involved in the incident underlying File #07-3864, regarding their actions or omissions.

105. In May 2006, the DFRB in File #05-3568 found that there were poorly-aimed gunshots in the incident insofar as responding officers fired “several rounds” which struck the “deceased” victim. No re-training or discipline was ordered.

106. In July 2006, the DFRB in File #05-3481 found that four officers fired their weapons a total of forty-three (43) times at a vehicle they claimed was trying to strike the officers, because they were unable to retreat out of the vehicle’s path. The officers were not

struck by the vehicle, and the suspect was shot once in his hand. No re-training or discipline was ordered.

107. In the incident underlying File #06-3773, a police-involved shooting, thirty-one (31) gunshots were fired at a knife-wielding victim by eight LRPD officers, and the victim was shot ten times, including once in the back. The incident underlying File #06-3773 occurred on a Sunday morning, in front of a church in a residential area. Bullets fired by LRPD officers put holes in the door and a window of the church, and LRPD investigators later found two LRPD bullet projectiles lodge in the altar and a pew inside the church.

108. There was no discipline or retraining for any of the officers who were involved in the incident underlying File #06-3773.

109. In 2007, in File #06-3826, a police-involved shooting, the DFRB noted bullet strikes from the involved officer's weapon to a Little Rock resident's carport adjacent to the resident's home, near the location of the shooting.

110. The LRPD investigation in File #07-3864 determined that an involved officer's fired bullet went through a Little Rock citizen's window pane, and lodged in her refrigerator. The LRPD never removed the bullet from the refrigerator to test it or to determine from whose weapon it was fired, which, according to Hudson, is a violation of LRPD policy.

111. The DFRB, which is charged with reviewing DD and IA investigations, made no mention in its report of the errant bullet that lodged in the Little Rock citizen's refrigerator, nor the fact that investigators did not retrieve or test the bullet during the investigation.

112. In the underlying incident in File #07-3864, the involved officer shot his weapon nine times, striking the suspect one time. The involved officer also accidentally struck an LRPD



police car three times with his bullets. In File #07-3864, investigators found bullet holes from LRPD firearms in a fence and dumpster near the scene of the shooting.

113. Based on all of the above-referenced instances of excessive force, failures to document, untruthfulness, indifference to EIS data, indifference to DFRB recommendations, a “code of silence,” willful mishandling of evidence, and improper questioning techniques, on July 16, 2008, the CITY was on notice of an affirmative pattern of police misconduct at the LRPD and, despite this notice, the CITY was deliberately indifferent to said misconduct.

**FACTUAL ALLEGATIONS IN THE *SPRADLING* SHOOTING**

114. On July 14, 2008, a woman named Sherri Harris contacted SIMON, and told him that she witnessed COLLIN, who was her daughter’s ex-boyfriend, steal a handgun from her home, and then escape through her front door, and into a white Honda, driven by a white female. She told SIMON she was unable to recognize the white female.

115. At no time did Ms. Harris tell SIMON that she recognized the driver of the white Honda as Rachael Hatfield or “Rachael.”

116. On July 15, 2008, Ms. Harris met with SIMON and told him that she had done some sleuthing on her own, and had located the white Honda at 621 Gillette Dr., in Little Rock (the “residence”). She gave him the license plate number. SIMON ran the plate and found that it was listed to Christina Hatfield, who lived at the residence with her 23-year-old daughter, Rachael Hatfield, and 18-year-old son, Paul. Rachael was COLLIN’s girlfriend at the time.

117. In fact, Ms. Harris never saw COLLIN in her home on July 14, 2008 and her story to SIMON was a total fabrication. At all relevant times, Ms. Harris had long-standing ill feelings for COLLIN and Rachael which made the veracity of her statements questionable, a fact that was

deliberately disregarded by SIMON. In fact, Ms. Harris was well-acquainted with Rachael Hatfield, and knew that Rachael drove a white Honda.

118. On July 14, 2008, in the presence of witnesses, Ms. Harris expressly claimed to identify the driver of the white Honda as “Rachael.”

119. On July 16, 2008, at Ms. Harris’ direction, SIMON drove his patrol car to 621 Gillette, and saw a Chevy Suburban parked outside the residence. SIMON ran the tags on the truck, and identified COLLIN as the owner. Believing COLLIN and Rachael to be in the residence, SIMON decided that he would arrest them there.

120. SIMON radioed HASTINGS, FORD, WOODALL, Lundy and Gasaway, and advised that he intended to arrest COLLIN and Rachael at the residence. SIMON met with some of these officers to plan the arrest, and explained that COLLIN and Rachael were alleged to have stolen a handgun, which is a deadly weapon.

121. At that meeting, SIMON produced photographs of COLLIN and Rachael, and showed them to the officers.

122. At that meeting, SIMON falsely informed some of the officers that he had valid arrest warrants for COLLIN and Rachael, despite the fact that he knew he did not.

123. At no time prior to the effort to arrest COLLIN or Rachael did SIMON or any LRPD officer obtain a valid arrest warrant based on the alleged burglary of the gun.

124. SIMON told the officers that COLLIN’s truck was in front of the residence. SIMON discussed with the officers his decision to arrest COLLIN and Rachael, and as part of the officers’ planning for the arrest, they met at the USA Drug on Rodney Parham Rd., and discussed the tactical positions they would take once they arrived, among other things.

125. Following this meeting, the officers traveled to 621 Gillette to arrest COLLIN and Rachael based on the alleged burglary of the handgun from the home of Ms. Harris.

126. En route to the residence, while in their cars, certain of the officers pulled their cars alongside each other, and further discussed their plans to arrest COLLIN and Rachael.

127. That the attempted arrest of an individual who is alleged to have stolen a firearm is a high-risk situation.

128. On July 16, 2008, at the time of the attempted arrest of COLLIN and Rachael, neither SIMON, HASTINGS, WOODALL nor FORD was wearing a ballistic vest, which was in violation of GO 203 (*Uniform Regulations*), which states that “All officers assigned to non-uniform positions will be required to wear their soft body armor when engaged in pre-planned high-risk situations, during unusual occurrences, special tactical situations, or at the direction of a superior.”

129. Once at the residence, the officers took the various tactical positions at the front and rear of the residence that they had discussed, in case COLLIN or Rachael tried to escape.

130. HASTINGS, SIMON, WOODALL and Lundy and went to the back of the premises, where they encountered Christina Hatfield, who was on her back patio tending to her garden.

131. Ms. Hatfield was asked if Rachael and COLLIN were home, and she replied that they were. She was asked to go inside and bring COLLIN and Rachael out to the officers.

132. Because SIMON and the officers did not have a valid arrest warrant, they could not legally enter Ms. Hatfield’s residence to arrest COLLIN or Rachael without Ms. Hatfield’s consent.

133. Ms. Hatfield went inside her home and retrieved COLLIN and Rachael. Paul came outside shortly thereafter.

134. COLLIN exited the house, and asked the officers why they were there. SIMON told COLLIN that COLLIN knew why they were there, and told him he was under arrest.

135. None of the officers asked any questions of COLLIN prior to telling him he was under arrest.

136. None of the officers asked any questions of Rachael prior to attempting to arrest COLLIN.

137. COLLIN began to submit to the officers, but then resisted.

138. HASTINGS, SIMON and FORD grabbed COLLIN and threw him to the ground. Immediately thereafter, HASTINGS placed his gun behind COLLIN's left ear. A short time later, WOODALL, HASTINGS and FORD shot COLLIN multiple times, killing him.

139. According to SIMON, a handgun fell from COLLIN's hand after he was shot. SIMON claimed that he then moved the gun after it landed near COLLIN for "safety reasons."

140. According to SIMON, Ms. Hatfield, Rachael and Paul were physically near the gun when SIMON moved it. He then placed it on a raised ledge approximately twelve (12) feet away from COLLIN's body.

141. At all times, Ms. Hatfield and Rachael were 1-2 feet away from the struggle and shooting.

142. At all times, Ms. Hatfield, Rachael and Paul were within close physical proximity to the shooting.

143. On July 16, 2008, prior to and during the attempted arrest and shooting of COLLIN, Lundy's MVR equipment was operational, with both the video component (dashboard camera) and audio component (lapel microphone) functioning, and recording images and sounds.

144. On Lundy's MVR audio, at 10:46:22, after the shooting, an unidentified officer can be heard saying: "I know I'm not in trouble. I didn't do sh\*t."

145. At all relevant times, Lundy knew that the video and audio components of his MVR recording would be reviewed in any LRPD investigation into the shooting, per GO 303 and GO 316.

146. An official copy of Lundy's MVR recording from July 16, 2008, which was produced and tendered by the CITY in the matter (4:12-CV-693-JMM), is attached hereto as Exhibit D.

**The Involved Officers Committed Conspiratorial Acts Immediately After the Shooting, In Order to Cover-Up the Unlawful Nature of the Attempted Arrest and Shooting**

147. The WOODALL, FORD, SIMON, HASTINGS, and the other involved officers, and each of them, conspired to cover-up the unlawful arrest and shooting of COLLIN.

148. Immediately after the *Spradling* shooting, the officers physically separated Ms. Hatfield, Rachael and Paul from each other, removed each of them from the residence, and placed each of them in three separate patrol cars.

149. While Ms. Hatfield, Rachael and Paul were all separated from each other and removed from their home, SIMON, HASTINGS, WOODALL, FORD, Lundy, and the other involved officers all had access to the physical premises of the Hatfield residence.

150. HASTINGS entered the Hatfield residence after Ms. Hatfield, Rachael and Paul were removed from the physical premises.

151. After Ms. Hatfield, Rachael and Paul were removed from the area, COLLIN's truck was searched by officers for the allegedly stolen gun.

152. The officers found a gun in COLLIN's truck which belonged to PLAINTIFF, COLLIN's father, but it was not the gun that Ms. Harris claimed was stolen.

153. SIMON, WOODALL, HASTINGS, FORD and/or other officers, conspired to place the gun belonging to PLAINTIFF, which was found in COLLIN's truck after the shooting, on a ledge in the backyard of the Hatfield residence, and falsely claim that the gun was retrieved from near COLLIN's person.

154. After the shooting, Lundy told Ms. Hatfield that the officers had a warrant for Rachael's arrest, and this captured at 10:52:41 of Lundy's MVR recording.

155. In fact, on July 16, 2008, the officers did not have a valid arrest warrant for Rachael Hatfield. No judge or magistrate had authorized the issuance of warrants for the arrest of Rachael or COLLIN.

156. Lundy explained to Ms. Hatfield why her family was separated after the shooting, as captured on his MVR recording at 10:56:42:

"Right now what we're doing is – because of the traumatic situation we're separating all witnesses, okay? So what I – we don't want you to do is for you to talk to [your son, Paul]. He saw a different perception than what you saw, okay? So if we put you all together, you all are gonna have different perceptions and it's not gonna be the actual true story. Do you understand what I'm saying? That's why we separate everyone in a situation like this."

157. When Paul asked Lundy "Can I just go stand by my mom?," Lundy responded to Paul, as captured on his MVR recording at 11:01:25, as follows:

"See, right now because of the traumatic situation, the best thing is for us to do is separate all witnesses, alright? I know you wanna be with her. Let- let the detectives that were- actually were in that area, let them do their work and then they'll come over here and

what they'll do is probably get a statement from you and put you guys together. But right now like you saw something different than your mom saw, okay? So we don't want you guys to y'know all of a sudden start combining your stories...Just give us a sec alright?"

158. As testified to by each of them at their discovery depositions, Ms. Hatfield, Rachael and Paul were eyewitnesses to the shooting of COLLIN ("*Spradling* shooting" or "shooting").

**An LRPD Lieutenant, Who is a Blood Relative of One of the Shooters, Fraudulently Misled PLAINTIFF with False Information About the Shooting, in Furtherance of the Conspiracy**

159. In addition to the acts and omissions described above, each of which is evidence of fraudulent concealment and conspiracy, the CITY also allowed the uncle of one of the shooters to notify COLLIN's family of the shooting, and, in doing so, he willfully provided false information which favored the involved officers, and made filing a good faith civil rights lawsuit more difficult.

160. Lt. Hastings is HASTINGS' uncle.

161. On July 16, 2008, after the shooting, Lt. Hastings and a LRPD chaplain went to PLAINTIFF's home, and made contact with COLLIN's mother, Judith, while PLAINTIFF was at work. Lt. Hastings informed her that LRPD officers killed her son after he came at the officers with a gun. She became extremely upset, and Lt. Hastings told her to have PLAINTIFF come home. PLAINTIFF was called, and immediately came home.

162. Once home, PLAINTIFF made contact with Lt. Hastings. Lt. Hastings affirmatively told PLAINTIFF that the officers had attempted to serve an arrest warrant on COLLIN, which was false. Lt. Hastings told PLAINTIFF that during that process COLLIN produced a gun and pointed it directly at the officers, which was also false. Lt. Hastings falsely

stated to PLAINTIFF that COLLIN was killed because he brandished a gun, and pointed it directly at the officers.

163. Lt. Hastings did not tell PLAINTIFF that HASTINGS was a shooter of COLLIN. Lt. Hastings did not tell PLAINTIFF that one of the shooters was his nephew.

164. During a deposition in another matter, Lt. Hastings testified that he did not inform PLAINTIFF of shooting, and did not make the statements PLAINTIFF claims he did.

165. Permitting a high-ranking, lieutenant uncle of an officer who is a suspect in a police-involved homicide to deliver the news of the shooting to the victim's family is not consistent with proper police protocol.

166. Willfully providing a victim's family false information tending to exonerate the officers in a police-involved shooting, and to incriminate the victim is not consistent with proper police protocol.

167. Intentionally withholding from a police-involved shooting victim's family material facts and exculpatory information affecting the propriety and reasonableness of the shooting is not consistent with proper police protocol.

168. PLAINTIFF and his wife were emotionally devastated and in shock after having just learned their son was shot and killed, and Lt. Hastings was aware of this.

169. When Lt. Hastings left PLAINTIFF's home, PLAINTIFF incorrectly believed—based on the willfully false statements of Lt. Hastings—that officers had a lawful warrant for COLLIN's arrest, and that COLLIN pointed a gun at officers immediately before he was shot, and that COLLIN's producing the gun and pointing it at the officers was the reason he was shot and killed.



170. When Lt. Hastings left PLAINTIFF's home, PLAINTIFF had no idea that the facts of which he was apprised regarding the shooting death of his son, COLLIN, was delivered by the uncle of one of the shooters. PLAINTIFF had no idea that he was given false information by Lt. Hastings.

**THE SPRADLING SHOOTING AND SUBSEQUENT LRPD INVESTIGATIONS CONTINUED THE CITY'S AFFIRMATIVE PATTERN OF EXCESSIVE FORCE, TRAINING DEFICIENCIES, AND FAILURE TO SUPERVISE ITS OFFICERS**

171. Following the *Spradling* shooting, pursuant to GO 303, the LRPD initiated a DD Investigation (File #08-4046) to determine the propriety of the use of deadly force by WOODALL, HASTINGS and FORD. This internal investigation was conducted by employees of the CITY.

172. CITY employees involved in the DD investigation of the *Spradling* shooting collected evidence for submission to the Prosecutor for the Prosecutor's determination of whether to pursue criminal charges against WOODALL, HASTINGS and FORD related to the shooting.

173. The LRPD initiated the IA Investigation to determine whether SIMON, WOODALL, HASTINGS, FORD or any other involved officer violated any police policies during the incident. This internal investigation was also conducted by employees of the CITY.

174. Sgt. Stephanie Berthia, of the LRPD IA Division, has testified that, when IA conducts an investigation of a police-involved shooting, it reviews the entire file, including any video or audio footage, per policy. She testified that her office reviews "everything" from a police-involved shooting that is available.

175. At all relevant times, it was the custom and practice of IA investigators to review the entire DD investigation file prior to interviewing the involved officers, and they did so in the matter of the *Spradling* shooting.

176. During his aforementioned discovery deposition, Hudson testified that the purpose for an investigator such as himself to go to the scene of a police-involved shooting is to apprise himself of the physical scene so that he is prepared to ask meaningful questions of the involved officers.

177. Hudson testified that it is important to look at the physical evidence in police-involved shootings so that if an involved officer gives a statement which contradicts the physical evidence, investigators such as himself will be in a position to address that contradiction.

178. As part of the DD Investigation, the CSSU processed the scene of the shooting and took photographs, including ones depicting COLLIN on Ms. Hatfield's patio after the shooting. Among the photographs taken by CSSU is one of a handgun on a raised ledge near an open gate door approximately twelve (12) feet from COLLIN's body. CSSU determined COLLIN was shot four times.

179. The CSSU never tested the gun allegedly possessed by COLLIN for fingerprints, blood or DNA. It never determined whether SIMON's fingerprints were on the gun allegedly possessed by COLLIN to see if SIMON had, in fact, removed it as he claimed he did.

180. On July 16, 2008, and at all relevant times, CITY employees, Hudson, Det. Chuck Ray ("Ray"), Sgt. James Leshner ("Leshner") and Det. Eric Knowles ("Knowles"), were investigators responsible for collecting information, statements and other evidence during the DD investigation of the *Spradling* shooting. At all relevant times, these individuals acted under the color of state law, and within the scope of their employment. As lead investigator, Ray was

responsible for drafting and submitting a case summary report for review by THOMAS and the Prosecutor, who makes the criminal charging decision.

**Crime Scene Log from the *Spradling* Shooting was Incomplete, and It Lacked Crucial Information and Proper Identification of Officers in Charge of the Scene and Evidence**

181. After the *Spradling* shooting, a CITY employee started a crime scene log, per LRPD policy. See *LRPD Crime Scene Log from File #08-4046, shooting of Collin Spradling, attached hereto as Exhibit E*. The log states “The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or direct by the supervisor in charge. The name, employee number, purpose of entry, and time of exist must be recorded for each individual entering the scene...”

182. There is no First Responding Officer identified on the crime scene log from the *Spradling* shooting.

183. The failure to identify the first responding officer in the crime scene log is a violation of policy.

184. Hudson, THOMAS and Lt. Hastings each visited the crime scene of after the shooting, and were photographed on the premises of the residence. As reflected in the log, no entry time was recorded for Hudson, no exit time was recorded for THOMAS, and no entry or exit time was recorded for Lt. Hastings. Moreover, Lt. Hastings was incorrectly identified on the log as “Lt. R. Hastings.”

185. The log omissions described in Paragraph No. 184 above were violations of LRPD policy.

186. During a discovery deposition, Lt. Hastings testified that he was “behind the tape” at the scene of the *Spradling* shooting.

187. THOMAS, Hudson and Lt. Hastings each violated LRPD policy by failing to assure that their entry and exit times were logged on the crime scene log.

188. The names of six separate members of the CSSU appear on the crime scene log, which is Exhibit E: A. Tracey, M. Holloway; S. Wilhite; Mollette, Sawchuk; and Charette. The CSSU were responsible for the physical integrity of the crime scene, yet no entry or exit time was recorded for A. Tracey, M. Holloway or Mollette. No exit time was recorded for S. Wilhite, Sawchuk or Charette.

189. The log omissions described in Paragraph 188 above were violations of LRPD policy.

190. Out of thirty-three (33) individuals identified in the crime scene log, complete information was provided for only nine of them. These omissions constitute multiple violations of LRPD policy.

191. Even though WOODALL, SIMON and FORD were all present prior to, and during, the *Spradling* shooting, the entry times on the log for WOODALL, SIMON and FORD are totally inconsistent with that fact.

192. The log reflects an entry time of 10:32 for WOODALL; an entry time of 10:56 for SIMON; and an entry time of 10:52 for FORD.

193. There is no entry or exit time recorded for HASTINGS on the log, which is a violation of LRPD policy. The log indicates that Lt. Brewer, a supervisory officer, arrived at the crime scene at 10:45, prior to involved officers, FORD, SIMON, and Gasaway.

194. According to the log, neither Bonds nor Lundy are identified as having ever entered the scene of the *Spradling* shooting, despite the fact that each of them was present at the scene prior to, during, and after the shooting.

195. The log omission described in Paragraph No. 194 above is a violation of LRPD policy.

196. As reflected in its October 6, 2008 report sent directly to THOMAS, the DFRB assigned to the *Spradling* shooting found “inconsistencies” in the crime scene log from the DD investigation.

197. The *Spradling* DFRB’s apprising of THOMAS regarding inaccuracies in the crime scene log related to the shooting was not the first time the CITY was apprised of Crime Scene Log inaccuracies committed by CITY employees in police-involved shootings.

198. Despite prior knowledge, the CITY and THOMAS did nothing to prevent these same issues from occurring during the DD Investigation of the *Spradling* shooting. Said issues resulted in a crime scene that was severely compromised from an evidentiary perspective.

199. Based on the *Spradling* crime scene log, it is impossible to determine conclusively who was actually physically present at the crime scene, how long certain persons were there, and with whom they were present.

200. To date, the CITY has done nothing to address, correct or remedy these failures, which constitute fraudulent acts in furtherance of the conspiracy.

201. Said failures assist in the exoneration of the involved officers, and make it more difficult for PLAINTIFF to file a good faith civil rights lawsuit alleging constitutional violations.

202. Two more police-involved shootings occurred in the two months following the *Spradling* shooting. In these police-involved shootings, CITY employees again failed to properly maintain and complete crime scene logs. *See August 13, 2008 and September 17, 2008 Crime Scene Logs, attached hereto as Exhibit F.*

203. Between these two crime scene logs, CITY employees failed to identify the First Responding Officer's exit time, failed to identify the Detective Supervisor in Charge, and permits chain of custody gaps, insofar as they failed to identify the officer or crime scene specialist to whom the log was relinquished. Most glaringly, the CITY employees responsible for maintaining the logs neglect to log entry and exit times for most of the individuals who were present at the scenes. To date, the CITY has done nothing to address or remedy these failures.

**The CITY Continued Its Informal Custom of Willfully Biased Investigations During the Spradling Shooting By Not Physically Separating the Involved Officers, and By Allowing Discussion and Collusion Among Them**

204. During his aforementioned discovery deposition, Hudson testified that it is the protocol of the LRPD to separate witnesses to a homicide as soon as possible, whether the homicide involves civilians or police.

205. Hudson also testified that when he arrived at the scene of the *Spradling* shooting, HASTINGS, SIMON, FORD, WOODALL and other officers were not physically separated from each other.

206. Hudson testified that HASTINGS, SIMON, FORD, WOODALL and other officer witnesses were all gathered within the crime scene, and were talking amongst themselves. In his official report, Hudson stated that a high-ranking lieutenant was also among HASTINGS, SIMON, FORD, WOODALL and other officer witnesses, and talking with them.

207. When he arrived at the scene of the *Spradling* shooting, the high-ranking lieutenant did not separate any of the officers who may have been involved in, or witnessed, the shooting.

208. Hudson did not separate any of the officers who may have been witnesses to the *Spradling* shooting. During his aforementioned discovery deposition, Hudson confirmed the failure to separate the involved officers:

Q: When you first got [to the scene of the shooting], all of the involved officers were still in the same physical proximity with each other, weren't they?

A: Yes, sir, they were.

Q: They were not separated after that shooting, were they?

A: No, sir, they weren't.

Q: And you didn't separate them?

A: No, sir.

\*\*\*\*\*

Q: You weren't the first person to get there?

A: No, sir.

Q: In fact, you saw superiors who were higher in rank than you in the same area with the involved shooters, correct?

A: I'm sure I did, but I don't know in particular.

\*\*\*\*\*

Q: So, again, why weren't they separated?

A: That, I can't tell you. I don't know.

\*\*\*\*\*

Q: You didn't do anything to separate them?

A: No, I did not.

Q: You didn't see anyone do anything to separate them?

A: No.

209. It is a breach of police protocol to not separate officers involved in a police-involved shooting, and the failure of a high-ranking lieutenant and Hudson to separate HASTINGS, WOODALL, FORD, SIMON, and other officers, indicates acquiescence by the CITY to the informal custom of biased investigations of police-involved shootings.

210. That allowing, and/or participating in, discussions between and among suspects and witnesses to a homicide so that statements and observations may be compared and altered accordingly is not consistent with proper police protocol for investigating homicides and/or police-involved shootings.

**LRPD Investigators Willfully Avoided Crucial Subject Matter During the Questioning of Eyewitness, Christina Hatfield, Interrupted Her Multiple Times, and Conspired to Falsify Her Official Police Statements**

211. On July 16, 2008, at 1:30 pm, Hudson questioned Christina Hatfield at LRPD regarding her eyewitness observations. Her DD statement was audio taped and transcribed by LRPD.

212. Ms. Hatfield was emotionally shaken after having just witnessed a young man shot multiple times, including in his head, in close proximity to her, and Hudson, an experienced police interrogator, was aware of this.

213. During her questioning, Ms. Hatfield told Hudson that the officers had COLLIN pinned to the ground, and his head was right at Rachael's feet.

214. She told Hudson that as soon as the officers put COLLIN on the ground, one of them immediately placed a gun to the back of his head near his left ear. She told Hudson that within moments of the gun being placed at COLLIN's head, the officers fired their guns.

215. Hudson never followed up with Ms. Hatfield regarding her statements in an effort to determine their validity, or to learn more details about them.



216. She told Hudson that on the day before the shooting, COLLIN had shown her and Rachael his father's gun for the purpose of seeking Ms. Hatfield's approval so that COLLIN might loan it to Rachael for protection during her nightshifts as a nurse.

217. During her statement, Ms. Hatfield made it clear to Hudson that she was referring to COLLIN possessing his father's gun on July 15—and not on July 16—by her reference to the event occurring “yesterday.”

218. She told Hudson that on July 15 she told COLLIN to take the gun out of her house, and he did. She told Hudson that COLLIN kept his gun in his truck.

219. In an attempt to conceal the truth of what actually happened before and during the *Spradling* shooting on July 16, Hudson elicited statements from Ms. Hatfield about COLLIN having a gun on July 15, and attempted to manipulate those statements to make it seem as though she was stating that COLLIN possessed a gun on July 16 at the time of his shooting when Hudson knew that was not what she intended to express.

220. Hudson steered Ms. Hatfield away from disclosing facts that tended to incriminate the involved officers during her questioning.

221. When Ms. Hatfield began to express her doubt that COLLIN had a gun, and stated “I don't know how [COLLIN] could've had a—,” Hudson interrupted her so as not to have a potentially incriminating portion of her statement audio recorded.

222. When Ms. Hatfield began to describe the physical scene immediately prior to the shooting, Hudson interrupted her so as not to have a potentially incriminating portion of her statement audio recorded.

223. When Ms. Hatfield began to describe the position of COLLIN's body immediately prior to his being shot, Hudson interrupted her so as not to have a potentially incriminating portion of her statement audio recorded.

224. Despite the fact that Ms. Hatfield was an eyewitness to the shooting, Hudson never asked her if she heard anyone say "gun," "gun, gun, gun," "he's got a gun, he's got a gun" or "are you sure he has a gun?"

225. Hudson never asked Ms. Hatfield if COLLIN fired a gun prior to the shooting. He never asked her if she saw a gun fall out of COLLIN's hand. He never asked her if she saw a gun on the ground at any time. He never asked her to describe COLLIN's position at the time he was shot. He never asked her if she saw anyone move a gun from the area. He never asked her if she saw anyone kick a gun from the area near COLLIN's body, or heard anyone instruct someone else to move a gun.

226. Hudson willfully neglected to obtain information from Ms. Hatfield which would tend to incriminate the officers who shot and killed COLLIN.

227. The purpose of these acts and omissions was to prevent information which tended to incriminate the officers who killed COLLIN from becoming part of the file to be reviewed by the Prosecutor.

228. After her questioning of July 16, 2008, Ms. Hatfield was never contacted about the *Spradling* shooting by anyone from the LRPD or the CITY again.

229. On February 7, 2014, Ms. Hatfield gave a discovery deposition in the matter (4:12-CV-693-JMM). *See Christina Hatfield Discovery Deposition, attached hereto as Exhibit G.*

230. Ms. Hatfield first obtained audio recording of her statement a few weeks before her February 7, 2014 deposition. She had not listened to them—or even been aware of their existence—until late 2013, more than five years after the shooting.

231. During her deposition, Ms. Hatfield testified that she and Rachael were very close to COLLIN and the physical location of the shooting, and that she was an eyewitness. She testified that COLLIN never brandished a gun. She testified that she never saw a gun attributable to COLLIN.

232. Ms. Hatfield testified that no one said “gun, gun, gun” prior to COLLIN being shot. She testified that she never saw anyone remove a gun from near COLLIN. She testified officers told her that they had warrants for the arrest of COLLIN and Rachael on July 16, 2008, but that they did not show the warrants to her.

233. After the shooting, Ms. Hatfield requested a copy of the DD investigation file, pursuant to the Arkansas *Freedom of Information Act*.

234. As reflected in the LRPD’s own *Freedom of Information Act* (“FOIA”) request receipt cover page, Ms. Hatfield’s request was made on November 4, 2008, and was received by Lt. Hastings, who was present at the crime scene and who, again, is HASTINGS’ uncle. *See LRPD FOIA receipt cover sheet, attached hereto as Exhibit H.*

235. Based on Exhibit H, Lt. Hastings was involved in the CITY’s response to a FOIA request which included information and evidence that may have incriminated his nephew, HASTINGS.

236. Ms. Hatfield testified that she requested the entire file from CITY, and when she received it, there were no video or audio recordings contained in the file. She testified that she was not aware that any video or audio footage existed. There was no mention of video or audio

footage in the file's table of contents. She believed that she received the entire file from the CITY. She testified that she gave the file she received from the CITY to Rachael to give to PLAINTIFF.

237. The CITY withheld video recordings from *FOIA* disclosure to Ms. Hatfield.

238. Upon listening to audio footage, Ms. Hatfield testified that the LRPD erroneously transcribed her statement to falsely indicate that she believed COLLIN possessed a gun at the time of the shooting. She testified that her statement "...I *didn't* know he had a gun on him" was altered on the transcript by the LRPD to falsely reflect that she said "...I *did* know he had a gun on him." (emphasis added)

239. However, she was not aware of this until years later when she listened to the audio recording of her statement, which was withheld by the CITY—and possibly Lt. Hastings—in responding to her *FOIA* request in 2008.

240. Ms. Hatfield testified as to her belief that the LRPD was trying to exonerate the shooters. At her deposition, she said:

Q: Do you have any opinion of the [LRPD] investigator who asked you questions?

A: I feel like there were a lot of questions not asked that should have been.

Q: Like any off the top of your head that you can come up with?

A: Honestly, it just – it felt almost like [the investigators] were just asking questions that would – rather than trying to get to the bottom of what actually happened, just trying to ask questions to confirm the legitimacy of what had just happened. That's the best way I know how to say it.

Q: It seemed to you that the questions that you were asked were tailored toward justifying the shooting?

A: Yes.

241. Ms. Hatfield testified that she attempted several times to contact the Prosecutor about the shooting but, after having reviewed the DD file, he told her she was “shadow boxing,” and that he had more important cases to work on.

**Investigators Willfully Avoided Crucial Subject Matter During the Interview of Eyewitness, Rachael Hatfield, Used Improper Leading Questions With Her, and Manipulated Her Answers in an Effort to Conceal the Actions of the Involved Officers**

242. On July 16, 2008, at 12:03 pm, Ray questioned Rachael Hatfield at LRPD regarding her eyewitness observations. Her statements were audio taped and transcribed internally.

243. Rachael was emotionally shaken after having just witnessed her boyfriend being shot multiple times, including in his head, in close proximity to her, and Ray was aware of this.

244. When Rachael began to describe the struggle prior to the shooting, Ray interrupted her, and started questioning her about COLLIN’s gun possession history and habits so as not to have potentially incriminating portions of her statement audio recorded.

245. Rachael told Ray that as soon as the officers threw COLLIN down on the ground, one of them immediately pointed a gun to the back of his head. She told Ray that the officers had COLLIN’s hands behind his back. She explained that within moments of this, she heard gunshots. She told Ray that COLLIN had his father’s gun on July 15, but that she witnessed him place it in his truck on that same date.

246. Rachael told Ray that, last she knew, the gun was in COLLIN’s truck. She told Ray that COLLIN did not have it on his person prior to the shooting. She told Ray that officers had COLLIN’s hands behind his back before he was shot.

247. Rachael told Ray that she never saw a gun attributable to COLLIN before or during the shooting. She told Ray that she did not hear anyone say “he’s got a gun” before COLLIN was shot.

248. In an attempt to conceal the truth of what actually happened before and during the shooting, Ray frustrated Rachael’s attempts to state that COLLIN did not have anything in his hands when the officers shot him, to make it seem as though he pointed a gun at officers.

249. Ray steered Rachael away from disclosing facts that tended to incriminate the involved officers.

250. Despite the fact that Rachael was an eyewitness to the shooting, Ray never asked her at what point during the struggle the officer put his gun against COLLIN’s head. Ray never asked Rachael to describe or identify the officer who put his gun against COLLIN’s head. He never asked her if COLLIN fired a gun prior to his shooting.

251. Ray never asked her about her observations of HASTINGS, WOODALL or FORD at the time they shot COLLIN. He never asked her to describe where each officer was located when they fired their weapons. He never asked her to describe the position of COLLIN’s body when the officers fired their weapons.

252. Ray never asked her if she saw anyone move a gun from the area. He never asked her if she saw anyone kick a gun from the area near Collin’s body. He never asked her if she heard anyone give instruction about removing the gun from where it allegedly dropped.

253. Ray continued the CITY’s informal custom of using improper leading questions during his questioning of Rachael.

254. Ray tried to induce Rachael to say that she could not see COLLIN's hands at the time he was shot so as to eliminate the possibility that her observations would conflict with the story being developed to exonerate the officers.

255. Ray used Rachael to probe into COLLIN's criminal history, and did so for the purpose of disparaging COLLIN so as to make the officers' actions seem justified, and to make it more difficult to pursue a civil cause of action against WOODALL, HASTINGS, SIMON, FORD and/or other officers.

256. Ray willfully neglected to obtain statements from Rachael which would tend to incriminate the officers who killed COLLIN.

257. The purpose of these acts and omissions was to prevent information which tended to incriminate the officers who shot COLLIN from becoming part of the file to be reviewed by the Prosecutor.

258. After her questioning of July 16, 2008, Rachael was never contacted about the *Spradling* shooting by anyone from the LRPD or the CITY again.

259. On February 7, 2014, Rachael gave a discovery deposition in the matter (4:12-CV-693 JMM). *See Rachael Hatfield (Mayhew) Discovery Deposition, attached hereto as Exhibit I.*

260. At her deposition, Rachael testified COLLIN put gun in his truck on the day before the shooting.

261. Rachael testified that prior to the shooting, the officers put COLLIN's arms behind his back aggressively. She testified that she never heard officer say "gun, gun, gun" or anything to that effect prior to the shooting. She testified that she was within inches of COLLIN at the time of the shooting.

262. Rachael testified that she never saw a gun attributable to COLLIN at or around the time of the shooting. She testified that she never saw gun near COLLIN after the shooting. She testified that she never saw officers remove a gun from near COLLIN's body. She testified that she never saw officers put a gun on the ledge after the shooting.

263. Rachael testified that when she gave her DD statement, Ray tried to cut her off, and would not let her finish answering questions. She identified various spots in her statement transcript where Ray interrupted her while she was trying to provide her observations of the shooting. She testified that the keys to COLLIN's truck were in open view on her nightstand in her bedroom.

264. Rachael testified that she gave file to PLAINTIFF, there were no video or audio recordings in the file, which is consistent with Ms. Hatfield's testimony, regarding the withheld contents.

265. Rachael testified that she felt Ray was trying to trick her with his questioning. She testified that the LRPD investigators seemed interested in trying to justify the shooting.

**Investigators Willfully Avoided Crucial Subject Matter During the Interview of Eyewitness, Paul Hatfield, Used Improper Leading Questions With Him, and Interrupted Him When He Tried to State His Observations of the Involved Officers' Actions**

266. On July 16, 2008, at 12:17 pm, Ray questioned Paul Hatfield at LRPD regarding his eyewitness observations. His DD statement was audio taped and transcribed internally.

267. Paul was emotionally shaken after having just witnessed a young man shot multiple times, including in his head, in close proximity to him, and Ray was aware of this.

268. Paul told Ray that he never heard any of the officers say "show me your hands" before COLLIN was shot.



269. Paul told Ray that he did not see COLLIN's arms moving at all, after COLLIN was thrown to the ground.

270. Paul told Ray that when COLLIN was on the ground, he was on his stomach with an officer kneeling on his back. Paul told Ray that after COLLIN was on the ground "the next thing [Paul knew] there was shots being fired."

271. Ray steered Paul away from disclosing facts that tended to incriminate the involved officers during his questioning.

272. When Paul told Ray that "as soon as [the officer] say he's reaching for his pocket is when they start shooting, so—" Ray interrupted him so as not to have a potentially incriminating portion of his statement audio recorded.

273. Ray attempted to alter Paul's statements so as to make it consistent with the officers' fabricated account, such as "[...the officer said h]e's reaching for his pocket' or did it — I got a gun- he's got a gun or anything like that?"

274. When Paul expressed doubt that COLLIN had a gun and stated "...I just-something like this would've never crossed my mind that he would have any reason to fight the cops off. I just—," Ray interrupted him so as not to have a potentially incriminating portion of his statement audio recorded.

275. Ray generally tried to establish that Paul could not see COLLIN's hands in order to allow the officers maximum flexibility to fabricate certain actions by COLLIN to justify shooting him.

276. Ray continued the CITY's informal custom of using improper leading questions during his questioning of Paul.

277. Despite the fact that Paul was an eyewitness to the shooting, Ray never asked him about his observations of HASTINGS, WOODALL or FORD at the time they shot COLLIN. Ray never asked Paul if he saw a gun fall out of COLLIN's hand. He never asked Paul if he saw a gun on the ground at any time. He never asked Paul if he saw anyone move a gun from the area. He never asked Paul if he saw anyone kick a gun from the area near Collin's body. He never asked Paul if he heard anyone give instruction about removing the gun from where it allegedly dropped.

278. Though Lundy's MVR recording captured Paul telling Lundy that at the time of the shooting, COLLIN was "pinned to the ground and he got both his arms behind his back," this was disregarded by DD investigators, and Paul was never asked to elaborate on this observation.

279. Ray willfully neglected to obtain statements from Paul which tended to incriminate the officers who killed COLLIN.

280. The purpose of these acts and omissions was to prevent information which tended to incriminate the officers who killed COLLIN from becoming part of the file to be reviewed by the Prosecutor.

281. After his questioning of July 16, 2008, Paul was never contacted about the *Spradling* shooting by anyone from the LRPD or the CITY again.

282. On February 7, 2014, Paul gave a discovery deposition in the matter (4:12-CV-693-JMM). *See Paul Hatfield Discovery Deposition, attached as Exhibit J.*

283. At his deposition, Paul testified that COLLIN was on the ground, and three officers were on top of him, with two of them pressing their guns against COLLIN's body.

284. Paul testified that, prior to the shooting, COLLIN's arms were pinned behind his back, and his wrists were pinned together. He testified that COLLIN never came at the officers

with a gun. He testified that he never heard any of the officers say “gun, gun, gun,” or mention the word “gun” prior to the shooting.

285. Paul testified that he never saw a gun attributable to COLLIN, or near his body. He testified that he was 4-5 feet away from COLLIN at the time of the shooting, and close enough to have seen a gun in COLLIN’s possession, if he had one. He testified that he never saw any officer remove a gun from COLLIN or from the area near COLLIN at any time.

286. Paul testified that during this DD statement, he told officers that he saw COLLIN with a gun in his possession on the date of July 15—the day prior to the shooting—and not July 16, but this either was not captured on the audio or was erased from the audio.

287. Paul testified to his belief that LRPD investigators did not seem interested in getting at the truth of what had occurred, but instead seemed interested in justifying the shooting.

288. No one ever signed off on or verified the contents of the transcribed statements of Ms. Hatfield, Rachael or Paul as accurate before they were submitted to the Prosecutor for review. Said failures are breaches of police protocol and LRPD policy.

289. The above-referenced prior pattern of police misconduct and allowance of a “code of silence” continued throughout the *Spradling* shooting investigations. On and before July 16, 2008, the CITY was on notice that the LRPD engaged in a custom of unjustified police-involved shootings, media manipulation, rigged internal investigations and a “code of silence,” all of which constitute multiple levels of conspiratorial acts.

**Lt. Hastings Acts in Furtherance of Conspiracy by Affirmatively Giving a False Account of Shooting to the Media, In Order to protect the Involved Officers, and HASTINGS**

290. On July 16, 2008, and at all relevant times, Lt. Hastings was the Public Affairs Officer (“PAO”) for the LRPD. Per GO 109 (*Media Relations and Information Releases*), the PAO serves as the official liaison between the CITY and the media. In a discovery deposition in

a prior cause, Lt. Hastings testified that as PAO, he is the first person that disseminates important and vital public information to the citizens of Little Rock. He testified that the public trust of the LRPD is a sacred trust, and that he does everything that he can to honor that trust.

291. After the *Spradling* shooting, as reflected in media accounts of the shooting, Lt. Hastings willfully gave false accounts of the shooting, including that COLLIN had fired a gun during the incident, when Lt. Hastings, and the CITY, knew that COLLIN had not fired a gun. He also falsely informed the public that COLLIN “came out” of the residence with a weapon, and that the officers were only at the residence to speak with COLLIN, rather than arrest him.

292. Aspects of the false statements Lt. Hastings reported to the media include:

- “A 25-year-old Sherwood man was shot and killed Wednesday morning by Little Rock police detectives who were attempting to question him about a recent burglary.”
- “Lt. Terry Hastings said detectives wanted to speak with Spradling about a burglary in west Little Rock...”
- The detectives “were standing in close proximity when he came out with a weapon,” Lt. Hastings told the various media outlets.
- “Initially, [Lt.] Hastings said Spradling managed to fire one shot at the officers after a brief ‘fight.’”

*See Contemporaneous Arkansas Democrat-Gazette news articles, attached hereto as Exhibit K.*

293. Lt. Hastings did not tell the media that he was the uncle of one of the shooters, or other aspects of the incident which tended to incriminate the involved officers.

294. Lt. Hastings’ purpose in supplying the media and public with false and incomplete information was to create an official narrative of the incident that would take hold in Little Rock, and, ultimately, to exonerate the involved officers, including his nephew, HASTINGS, and make it more difficult to pursue a civil cause of action against them and the CITY.

295. Lt. Hastings' false statements to the media and public constitute positive acts of fraud, and acts in furtherance of the conspiracy.

**DD Investigators Intimidated the Hatfield Family In Order to Inhibit Them, and to Keep Incriminating Information About the Involved Officers from Becoming Part of the DD Investigation File**

296. LRPD investigators, including Hudson and Ray, knew that Ms. Hatfield, Rachael and Paul were extremely upset by the events that they had witnessed, and were therefore emotionally shaken, and more susceptible to manipulation by improper questions posed by seasoned police interrogators.

297. During the questioning of Ms. Hatfield, Hudson produced and displayed his firearm to her in an attempt to get her to compare it to the gun allegedly brandished by COLLIN, even though she told she did not see COLLIN with a gun at the time of the shooting.

298. During the questioning of Rachael, Ray produced and displayed his firearm to her in an attempt to get her to compare it to the gun owned by COLLIN, even though she told him she did not see COLLIN with a gun at the time of the shooting.

299. The actions of these investigators in producing and displaying their firearms to Ms. Hatfield and Rachael were intended to intimidate them, make it more difficult for them to freely speak their minds, and to prevent an account of facts which tended to incriminate WOODALL, HASTINGS, SIMON, FORD and/or other officers from being given.

**LRPD Investigators Provided Witness Statements to the Involved Officers, the Involved Officers Were Allowed to Draft Their Official Reports Together, and a Reporting Officer was Told to Change her Official Report to Favor the Involved Officers**

300. The fraudulent, conspiratorial acts initiated during, and immediately following, the shooting, continued throughout the LRPD investigative process.

301. The CITY took DD statements from the Hatfield family prior to taking DD statements from the involved officers.

302. Prior to giving their DD statements, WOODALL, C. HASTINGS, SIMON, FORD and Lundy, and each of them, were informed by LRPD investigators and/or CITY employees of the material facts in the statements given by Ms. Hatfield, Rachael and Paul.

303. The decision to apprise WOODALL, HASTINGS, SIMON, FORD and Lundy of witness statements prior to giving their official statements is not consistent with proper police protocol for investigating homicides and/or police-involved shootings.

304. The purpose of apprising WOODALL, HASTINGS, SIMON, FORD and Lundy to be apprised of witness statements prior to giving their own statements was to provide them with information they could use to avoid any direct conflicts with the witnesses, to give them the advantage of rebutting witness statements that tended to incriminate them and, ultimately, to exonerate them, and make it more difficult to pursue a civil cause of action against them.

305. Prior to July 16, 2008, the CITY and THOMAS were on notice that LRPD police officers involved in police-involved shootings routinely drafted their official reports together, and compared their reports, before submitting them for official review.

306. In 2013, a now-retired LRPD sergeant, who was involved in the LRPD investigation of the *Spradling* shooting, has stated that during her time at the LRPD, there was an informal custom at the LRPD wherein officers would draft their reports together, and then compare them so that they were consistent. She has stated that this informal practice occurred during the DD investigation of the *Spradling* shooting.

307. This now-retired sergeant has stated that when she arrived at the scene of the *Spradling* shooting, there were already approximately ten (10) LRPD officers and detectives

present, and several of them were walking in and out of the crime scene. She observed that the involved officers were not separated which was a violation of police policy, and also potentially compromises evidence.

308. She has stated that as the assigned “sergeant in control,” she attempted to take control of the crime scene, but was quickly “pushed aside,” and instructed by superior officers to do lesser things in the investigation instead. She stated that, from the beginning, she was very uncomfortable with how investigation of the *Spradling* shooting proceeded.

309. In her opinion, the *Spradling* shooting was an unjustified shooting, and the DD investigation that followed was compromised from an evidentiary perspective.

310. She has stated that the DD investigation of the *Spradling* shooting was not done properly, and that LRPD policy was not followed after the shooting and during the investigation.

311. She has stated that companion officers were at the scene of the crime, which is prohibited. She stated that two of the involved officers were on mobile unit duty at the time of the attempted arrest, and were therefore not supposed to be involved in the first place. She stated that the involved officers also did not give the LRPD communications their location before the shooting, which was a violation of policy.

312. In 2013, a current LRPD officer, who was a reporting officer in the *Spradling* shooting, has stated that she was told by high-ranking lieutenant to change her official report in the DD investigation of the shooting. This is the same lieutenant that was identified by Hudson as mingling among the involved officers in the crime scene, and not separating them.

313. Prior to submitting their official reports regarding the *Spradling* shooting, WOODALL, HASTINGS, SIMON, FORD, Lundy, and other involved officers, drafted their official reports in close physical proximity to each other, and compared notes while doing so,

before submitting them for review. These were conspiratorial acts, and with these acts, the involved officers attempted to conceal the truth of what occurred during the *Spradling* shooting, and make the filing of a good faith civil rights complaint against them more difficult.

**Witnesses' Statements Which Called Into Question the Propriety of the Warrantless Arrest Were Willfully Disregarded by LRPD Investigators, in Furtherance of the Conspiracy**

314. On July 18, 2008, Hudson, Sullivan, and Knowles interviewed a witness, Tommy Clements, who stated that on July 14, just after the alleged burglary, he heard Sherri Harris identify the driver of the white Honda as "Rachael." Because this contradicted SIMON's account, and therefore called into question the propriety of the attempted arrest of COLLIN, Hudson interrupted him:

Hudson: All right, did you see the driver of the Honda?

T. Clements: I did not at all see the driver of the Honda.

Hudson: So you don't know it that was male or a woman (inaudible).

T. Clements: I do- I could not tell you, the only thing I can tell you is that when uh the only thing I – that I heard about the driver and- and just – this is just something I heard was when we were giving our statement to the patrol officers back at the home, that the mother of the – the- the woman who owned the home that was burglarized, was on the phone with someone who I was told was her daughter, another daughter.

Hudson: Okay.

T. Clements: And – because we were trying to comfort another daughter who had- I guess they lost a dog or something when this all happened, the dog got out.

Hudson: Right.



T. Clements: And uh and [Sherri Harris] said that whoever it was she was speaking to said that the girl's name was Rachel that was driving and that's-

Hudson: Okay.

T. Clements: that's – but again, that was just me hearing-

Hudson: Okay.

T. Clements: -overhearing somebody say something.

315. To date, neither Hudson, Sullivan nor Knowles has ever confronted SIMON with the testimony of Mr. Clements to determine whether Ms. Harris, in fact, did claim to know the identity of the alleged driver of the white Honda on July 14, 2008.

316. On July 18, 2008, Hudson, Sullivan, and Knowles also interviewed Lori Clements, a witness who stated that she observed Ms. Harris immediately after the alleged burglary of July 14.

317. Mrs. Clements also told the DD investigators that she heard Ms. Harris expressly identify the driver of the white Honda as "Rachael." Because this contradicted SIMON's account, and therefore called into question the propriety of the arrest of COLLIN, Hudson attempted to interrupt her:

L. Clements: And it was, the woman who was yelling obscenities at the suspect, who was saying "it was Rachael, it was Rachael."

Hudson: Okay.

L. Clements: And that was the only reason why we had known that they're not-

Hudson: Is this the woman, describe his woman for me. Is this the one that was initially chasing the (inaudible)..?

L. Clements: Yes. She said "I'm a fifty-two year old and I almost got him."

Hudson: Okay.

L. Clements: And uh, and then she was saying that it was, "I know who it was, it was Rachael."

318. The reason Hudson tried to prevent Mr. and Mrs. Clements from giving information about Sherri Harris knowing the identity of the driver of the white Honda is that if Ms. Harris truly did know the driver, then it calls into question her veracity and motives, and therefore, the propriety of the attempted arrest of COLLIN, one which was not reviewed by a judge, and which was not authorized by a valid warrant.

319. To date, neither Hudson, Sullivan nor E. Knowles has ever confronted SIMON with the testimony of Mrs. Clements to determine whether Ms. Harris did, in fact, tell Simon that she recognized the alleged driver of the white Honda on July 14, 2008.

320. During her DD statement on July 18, 2008, after the shooting, Ms. Harris again claimed that she could not recognize the alleged driver of the white Honda, going so far as to say that she only saw the driver's head, and could not tell if she was white or black.

321. To date, neither DD investigators nor IA investigators ever followed up with Ms. Harris to determine whether she, in fact, identified the alleged driver of the white Honda as the disinterested witnesses, Mr. and Mrs. Clements, claimed they heard her do.

322. The purpose of these acts and omissions was to prevent information which tended to incriminate the involved officers who killed COLLIN from becoming part of the file to be reviewed by the Prosecutor.

**The Involved Officers Modified Their Stories Depending on the Focus of the Particular Investigation, and LRPD Investigators Willfully Ignored these Conflicts, in Furtherance of the Conspiracy**

323. Material aspects of the *Spradling* shooting provided by the involved officers conflict with each other. Material aspects of the *Spradling* shooting given by officers during their DD investigation differ from those given by those same officers during their IA investigation. DD investigators and IA investigators were aware of these material conflicts, but did nothing to address or resolve them. The purpose of the DD and IA investigators' acts and omissions was to protect the involved officers, to prevent information which tended to incriminate them from becoming part of the file to be reviewed by the Prosecutor, and to make it more difficult to file a good faith civil rights lawsuit against them and the CITY.

**WOODALL**

324. WOODALL, the senior officer involved in the *Spradling* shooting, waived his *Miranda* rights and gave the first officer statement to DD investigators on July 16, 2008, at 2:50 pm. Ray was present for this statement and asked questions.

325. WOODALL told DD investigators that it was the intention of the involved officers to arrest COLLIN, whom they believed to be a burglary suspect.

326. WOODALL told DD investigators that SIMON had received information that COLLIN was at the residence at 621 Gillette on July 16, 2008.

327. WOODALL stated that the officers did not have an arrest warrant for COLLIN.

328. WOODALL stated that he un-holstered his gun prior to COLLIN exiting Ms. Hatfield's home, and then holstered it when COLLIN came outside.

329. WOODALL stated that HASTINGS, and not SIMON, asked for COLLIN.

330. WOODALL told investigators that he observed COLLIN exit the residence.

331. WOODALL did not tell DD investigators anything about COLLIN's hands being near his waist when he exited the residence.

332. WOODALL did not tell DD investigators anything about HASTINGS talking to COLLIN about his hands being near his waist when he exited the residence.

333. WOODALL did not tell DD investigators anything about HASTINGS approaching COLLIN, or lifting his shirt up. WOODALL did not say anything to the investigators about HASTINGS saying "Don't do that," or similar words to COLLIN.

334. WOODALL stated that SIMON attempted to place COLLIN under arrest, when COLLIN jerked away.

335. WOODALL stated that he radioed for assistance after the struggle with COLLIN but before WOODALL shot him.

336. Place holder

337. WOODALL told investigators that HASTINGS stated "there's a gun" and that WOODALL responded "are you sure?" before WOODALL shot COLLIN.

338. WOODALL stated that while COLLIN was on the ground, COLLIN retrieved a gun from his person. WOODALL stated that when he saw COLLIN's gun, it was no more than one foot away from WOODALL as he was standing over COLLIN.

339. WOODALL told DD investigators that he saw a gun in COLLIN's hand, but he was unsure which hand it was in.

340. WOODALL was the first individual to fire a gun, and no one fired a gun before he did.

341. During his statement, WOODALL said that after he shot COLLIN, he turned to an officer and asked if the officer's MVR lapel microphone was operating during the incident. WOODALL stated that the officer responded "yes." Specifically, WOODALL told investigators:

“I know that I heard gun and in my mind I wanted to make 100% sure before I pulled that trigger, that yes there was a gun and after the incident, I was so – I asked the officer – the uniformed officer, I said is your MVR working and he said yes because I wanted that on tape because I asked repeatedly is there a gun, is there a gun and then you know Aaron saying yes, there’s a gun and I’m almost positive Clay Hastings said yes there’s a gun...”

342. WOODALL told investigators that Ms. Hatfield and Rachael were approximately 10-15 feet away from COLLIN when the shooting occurred.

343. WOODALL stated that he did not know how many bullets were in his gun when he shot COLLIN. The reason WOODALL told this to investigators was to make the total number of shots fired less precise, and thus give the involved officers and investigators the opportunity to better fabricate a false narrative, which would include the false information that COLLIN fired a gun at the officers.

344. WOODALL told the investigators that he sometimes keeps partially-loaded magazines in his LRPD-issued firearm which is a violation of GO 204.

345. When asked which of COLLIN’s hands WOODALL allegedly saw the gun, he responded:

“I-I don’t, I mean I-I would – I would tend to say a right hand but I can’t lock – I just know that his – his back was to me and Aaron Simon – Detective Simon was holding onto one hand and I-I just saw the hand come out and I tend to believe it’s the right hand because I saw the outline of the gun, I saw the barrel...”

346. WOODALL was vague regarding his observations in order to give investigators maximum flexibility to fabricate a false narrative to exonerate the officers.

347. WOODALL stated that no officers entered Ms. Hatfield’s home after the shooting when he knew that was false.

348. There is no evidence that the investigators ever sought out or obtained any audio recordings which verified WOODALL's account of what he said prior to the shooting.

349. There is no audio recording that substantiates WOODALL's account of what he said prior to the shooting.

350. WOODALL was intentionally vague and/or contradictory so that he would not confine himself to one set of facts, and so that he could fabricate certain actions by COLLIN, himself and/or the other officers to justify the shooting.

351. During his questioning, WOODALL wanted to make available all avenues of facts for the investigators so that it would be easier for them to assist him to craft a story around those facts, even though many of the facts were contradictory and false.

352. The DD investigators, including Ray, willfully neglected to ask pertinent questions of WOODALL. That examples of these omissions include:

- a) failing to ask WOODALL how it was that he had the time to radio for assistance during the struggle before he shot COLLIN;
- b) failing to ask WOODALL why he would un-holster his gun before COLLIN came outside and then re-holster it once COLLIN came outside when the officers perceived COLLIN potentially to be an armed felon;
- c) failing to ask WOODALL to describe the position of COLLIN's body when he and the officers fired their weapons; and
- d) failing to ask WOODALL any questions about the location of the gun allegedly possessed by COLLIN either before or after it was moved by SIMON.

353. Avoiding material subject matter out of concern that the exploration of same might lead to information which tends to incriminate a suspect is not consistent with proper police protocol for homicide investigations.

354. On August 6, 2008, WOODALL gave his IA statement, pursuant to GO 303.

355. During the IA investigation, WOODALL stated that the officers did not expect COLLIN would be at the residence, which contradicted what he told DD investigators.

356. The reason WOODALL told IA investigators that the officers did not expect COLLIN would be at the residence was that, if the officers did expect COLLIN, who they would have considered to be a possibly armed felon, to be there, it would constitute a high-risk situation, and therefore the officers should have been wearing ballistic vests, pursuant to GO 203, which they were not.

357. WOODALL told IA investigators that he was “almost positive [COLLIN’s] weapon discharged,” and that he “heard what sounded like a real high pitched crack.”

358. The IA investigators did not confront WOODALL on any of the inconsistencies between his DD statement and IA statement. They did not ask him why he drew his gun prior to COLLIN coming outside, when the officers were allegedly only there to interview individuals. They did not ask him to clear up whether it was SIMON or HASTINGS who asked for COLLIN when the officers arrived at the residence.

359. IA investigators did not ask him about whether COLLIN had his hands near his waistband when he initially exited the residence and approached the officers. They did not ask WOODALL, who claimed to have years of experience as a SWAT team member, to explain how it was that he thought he heard a gunshot prior to his shooting COLLIN, when, in fact, WOODALL was the first person to fire his weapon, and no one fired their weapon prior to him. They did not ask WOODALL, the senior officer at the shooting, who authorized removing the gun from where it allegedly dropped after the shooting.

360. The IA investigators did not ask WOODALL, the senior officer at the shooting, why seven officers were needed to merely interview COLLIN and Rachael. They did not ask WOODALL why tactical positions were needed to conduct an interview.

361. The IA investigators did not ask any questions about the damaged video. IA did not inquire about WOODALL's alleged statements "is there a gun, is there a gun?" and "are you sure?" which WOODALL stated during his DD investigation would have been recorded on another officer's MVR microphone.

362. The IA investigators did not acknowledge with WOODALL that the audio recording of Lundy's MVR was damaged or compromised. The IA investigators did not ask WOODALL if he was aware of the damaged or compromised state of the audio recording, and did not ask him if he knew how the audio become damaged or compromised.

363. Like the LRPD officer in File #07-3874 back in July 2007, WOODALL was never disciplined for his custom of not always carrying a full magazine, in violation of GO 204.

**FORD**

364. On or about July 16, 2008, FORD submitted a report to his superior, WOODALL, wherein he stated that SIMON told him that SIMON had "developed enough probable cause" to arrest COLLIN.

365. In FORD's report, he wrote that he observed SIMON, HASTINGS and WOODALL "physically struggling with Mr. Spradlin (sic) trying to gain control of his hands." FORD reported that he heard detectives and officers yelling for COLLIN to "show [] his hands."

366. On July 16, 2008, at 3:40 pm, FORD waived *Miranda* and gave a statement to investigators. Ray was present for this statement and asked questions of FORD.



367. FORD told DD investigators that SIMON showed the officers a photograph of COLLIN, prior to going to Ms. Hatfield's residence to arrest him. He told DD investigators that SIMON told the officers that COLLIN "stayed over on Gillette." He did not mention anything to the investigators about wanting to speak with Rachael Hatfield.

368. FORD told DD investigators that SIMON told him that he needed "assistance taking a burglary suspect into custody," and SIMON asked him to bring another detective with him. FORD told the investigators that, prior to going to the residence, SIMON informed the officers of SIMON's intention to arrest COLLIN, based on probable cause.

369. FORD told investigators that he covered the front door of the residence "to make sure nobody was trying to bolt out of the house from the front door."

370. FORD stated that he heard officers yell "let me see your hands."

371. FORD told DD investigators that he went to the back patio, and saw COLLIN "in the fetal position with both of "his hands cropped down in- in his pants." FORD told them that COLLIN was "putting his hands down in his crotch area" just prior to the shooting.

372. FORD stated that somebody said "He's got a gun" and then someone else said "does he have a gun?" FORD stated that SIMON then said "gun- gun- give me your hands- give me your hands" and then FORD claimed that he "heard a shot fired coming from the suspect's area down there." He claimed that he heard COLLIN fire a weapon.

373. FORD stated that, after hearing a gunshot, he began to shoot and he "shot approximately two times and was backing up off of [COLLIN] as [FORD] was shooting."

374. FORD stated that he was not sure if he saw a gun in COLLIN's hand before he shot COLLIN. FORD later stated that he never saw a gun in COLLIN's hand before he shot. He also stated that he heard a shot fired that he perceived was from COLLIN's gun.

375. By vaguely stating he heard a shot from the area of COLLIN, FORD was attempting to provide support to WOODALL's false claim that COLLIN fired a gun during the incident. FORD provided this false information in an effort to exonerate himself and the involved officers.

376. FORD stated that after COLLIN was shot, he saw the gun allegedly possessed by COLLIN. FORD described the physical attributes of the gun as he observed it.

377. FORD stated that Ms. Hatfield was crying and screaming after COLLIN was shot. FORD stated that he removed Ms. Hatfield from the scene and placed her in his patrol car.

378. FORD never told DD investigators that SIMON kicked the gun after COLLIN was shot. FORD never told the investigators that he told SIMON to remove the gun from the scene after COLLIN was shot.

379. Despite his statements to DD investigators that the officers went to the residence to arrest COLLIN, and despite the fact that no questions were asked of COLLIN before they attempted to arrest him, FORD filled out a Use of Deadly Force Report wherein he indicated that the officers "were attempting to interview" COLLIN. *See FORD's Use of Deadly Force Report, attached hereto as Exhibit L.*

380. FORD was intentionally vague and/or contradictory so that he would not confine himself to one set of facts, and so that he could fabricate certain actions by COLLIN, himself and/or the other officers to justify the shooting.

381. During his questioning, FORD wanted to make available all avenues of facts for the investigators so that it would be easier for them to assist him to craft a story around those facts, even though many of the facts are contradictory.

382. DD investigators, including Knowles, used leading questions to increase the likelihood that they would obtain statements, even if false, which favored the officers, such as “So [COLLIN’s gun] was easy to conceal?”

383. The purpose of this exercise was to increase the likelihood that information tending to exonerate officers, even if false, became part of the file to be reviewed by the Prosecutor.

384. The investigators, including Ray, willfully neglected to ask pertinent questions of FORD. Examples of these omissions include:

- a) failing to ask FORD any questions about the location of the gun allegedly brandished by COLLIN after it allegedly fell from his hand after he was shot despite the fact that FORD stated he observed the gun after the shooting; and
- b) failing to ask FORD any questions about the movement of the gun after it allegedly fell from COLLIN’s hand despite the fact that FORD stated he observed the gun after the shooting.

385. DD investigators never asked FORD if he heard WOODALL’s radio call for assistance.

386. Avoiding material subject matter out of concern that the exploration of same might lead to information which tends to incriminate a suspect is not consistent with proper police protocol for homicide investigations.

387. On August 6, 2008, FORD gave his IA statement, pursuant to GO 303.

388. During his IA statement, FORD stated that the Reason for going to the residence was to assist in apprehending a burglary suspect.

389. FORD told IA investigators that SIMON kicked the gun out of the way, and he then instructed SIMON to pick up the gun. FORD told the IA investigators that he told SIMON

to remove the gun because there were people in the area. FORD withheld this information from the DD investigators.

390. IA investigators never asked why FORD did not tell DD investigators that SIMON kicked the gun, and never asked why FORD did not tell DD investigators that he told SIMON to pick the gun up and remove it from where it allegedly fell.

391. IA investigators never asked FORD why he was concerned about the safety of the witnesses, vis-à-vis the gun allegedly lying on the ground next to COLLIN's body, considering the fact that three officers had just used their weapons to fire four gunshots in close proximity to those same witnesses.

392. FORD told IA investigators he was not wearing his ballistic vest in accordance with GO 203 because the officers were just going to "interview" COLLIN and Rachael. FORD told IA investigators that SIMON did not tell him that they were going to arrest anyone.

393. The IA investigators never confronted FORD about his DD statement where he stated that SIMON requested assistance taking a burglary suspect into custody. The IA investigators never asked FORD about his DD statement wherein he stated that SIMON told the officers that SIMON intended to arrest COLLIN based on probable cause.

394. Though IA investigators brought to FORD's attention that he had drafted another Use of Deadly Force Report which indicated that the officers went to 621 Gillette Dr. to arrest COLLIN, they allowed him to change his story, and state that the officers went to the residence "just to interview" the suspects. The IA investigators used leading questions with FORD to assist him in changing his story, for example:

- "So, Detective Simon didn't tell you that the suspect's there, we're going to arrest him?"

395. The IA investigators did not acknowledge with FORD that the audio recording of Lundy's MVR was damaged or compromised. The IA investigators did not ask FORD if he was aware of the damaged or compromised state of the audio recording, and did not ask him if he knew how the audio become damaged or compromised.

396. The IA investigators did not ask FORD why seven officers were needed to merely interview COLLIN and Rachael. They did not ask FORD why tactical positions were needed to conduct an interview.

### **HASTINGS**

397. On or about July 16, 2008, HASTINGS submitted a report to his superior, WOODALL, wherein he stated that during the struggle, he grabbed and held COLLIN's right arm while also drawing his weapon with his other hand and pointing it at COLLIN.

398. In his report, HASTINGS claimed that, prior to any shots being fired, he grabbed a hold of COLLIN's right arm.

399. On July 16, 2008, at 4:12 pm, HASTINGS waived his *Miranda* rights and gave a statement to investigators. Ray was present for this statement and asked questions.

400. HASTINGS told DD investigators that the officers went to the residence to arrest COLLIN.

401. HASTINGS told DD investigators that SIMON did not have any arrest warrants, but SIMON "was getting the warrants done."

402. HASTINGS told DD investigators that SIMON had seen that COLLIN was at the residence, and SIMON wanted to arrest COLLIN there based on probable cause.

403. HASTINGS told the investigators that it was he, HASTINGS, who initiated contact with Ms. Hatfield, and who asked if COLLIN was inside the residence.

404. HASTINGS told the investigators that when COLLIN came outside, COLLIN put his right hand under his shirt and above his belt. HASTINGS told them that he told COLLIN “Hey man don’t do that,” and grabbed COLLIN’s hand, and pulled it away.

405. HASTINGS stated he and SIMON intentionally “grabbed [COLLIN] and went to the ground.”

406. HASTINGS stated that during the struggle he pointed his gun at COLLIN and told him to “put the f\*cker down.”

407. HASTINGS stated that he heard WOODALL shoot, and then he heard a high-pitched gunshot he believed came from COLLIN. HASTINGS stated he then shot COLLIN and then “pushed up off of him and drew down cover down on him.”

408. By vaguely stating he heard a high-pitched gunshot from the area of COLLIN, HASTINGS was attempting to provide support to WOODALL’s false claim that COLLIN fired a gun during the incident. HASTINGS provided this false information in an effort to exonerate himself and the involved officers.

409. HASTINGS admitted that he went inside Ms. Hatfield’s residence after he shot COLLIN even though he had no search warrant to do so.

410. The investigators, including Leshar, used leading questions to increase the likelihood that they would obtain statements, even if false, which favored the officers, such as:

- “So you were afraid for yourself and the other-[officers]?”;
- “[COLLIN’s gun would f]it in the palm of your hands?”; and
- “[COLLIN’s gun was e]asy to conceal?”

411. The purpose of this exercise was to increase the likelihood that information tending to exonerate officers, even if false, became part of the file to be reviewed by the Prosecutor.

412. The investigators, including Ray, willfully neglected to ask pertinent questions of HASTINGS. Examples of these omissions include:

- a) failing to ask if he ever stated “there’s a gun,” as WOODALL claimed he did;
- b) failing to ask what HASTINGS meant when he said that SIMON was “getting the warrants done”; and
- c) failing to inquire as to the reasonableness of attempting to arrest a perceived armed felon at the time, place and in the manner that the officers attempted to arrest COLLIN.

413. DD investigators never asked HASTINGS if he heard WOODALL call for assistance on his radio.

414. Avoiding material subject matter out of concern that the exploration of same might lead to information which tends to incriminate a suspect is not consistent with proper police protocol for homicide investigations.

415. On August 6, 2008, HASTINGS gave his IA statement, pursuant to GO 303.

416. In contrast to his DD statement, HASTINGS told IA investigators that the reason SIMON requested his help was because SIMON was going to “try to interview a girl.”

417. HASTINGS told IA investigators that the officers wanted to speak with Rachael.

418. HASTINGS told the investigators that the officers were not sure if COLLIN was at the residence or not.

419. In contrast to his DD statement, HASTINGS told IA investigators that SIMON never said that he thought COLLIN was at the residence.

420. HASTINGS told IA investigators that SIMON never said anything about COLLIN being at the residence.

421. HASTINGS told IA investigators that he was not wearing his ballistic vest because it was not a high-risk situation, as they were just going to the residence to have a conversation.

422. HASTINGS never mentions to IA investigation that he pointed his gun at COLLIN during the struggle, and told him to “put the f\*cker down.”

423. IA investigators never asked HASTINGS about his DD statement where he indicated that he pointed his gun at COLLIN during the struggle, and told him to “put the f\*cker down.”

424. IA investigators never confronted HASTINGS about his DD statement where he said the that officers were there to arrest COLLIN.

425. IA investigators never confronted HASTINGS on his DD statement where he said that it was he, HASTINGS, who asked for COLLIN, and not SIMON.

426. IA investigators never asked HASTINGS why he specifically asked for COLLIN if the officers did not think that COLLIN was at the residence.

427. IA investigators never addressed the fact that both HASTINGS and SIMON claim to be the ones who initiated contact with Ms. Hatfield, and asked for COLLIN.

428. The IA investigators did not ask HASTINGS why seven officers were needed to merely interview Rachael Hatfield, the “girl.”

429. The IA investigators did not acknowledge with HASTINGS that the audio recording of Lundy’s MVR was damaged or compromised. The IA investigators did not ask



HASTINGS if he was aware of the damaged or compromised state of the MVR recording, and did not ask him if he knew how the audio footage become damaged or compromised.

**SIMON**

430. On July 16, 2008, SIMON submitted an official report to his superior, WOODALL, as part of the DD investigation. SIMON's report appears to have been altered with "white-out" at the very point in it where SIMON describes how COLLIN's gun allegedly fell out of his hand and on the ground after he was shot. *See Aaron Simon report, attached hereto as Exhibit M.*

431. The existence of an official police report that is "whited-out" at a portion describing a material aspect of the shooting is consistent with an informal custom of officers changing their reports in an attempt to achieve uniformity among the various reports.

432. In his report, SIMON states that Ms. Harris "said that [the white Honda] belonged to Mr. Spradling's girlfriend, Rachel," which was totally false, and in conflict with Ms. Harris' prior statement to SIMON and her DD statement of July 18, 2008.

433. On July 16, 2008, at 4:43 pm, SIMON gave his statement to DD investigators. Ray was present for this statement and asked questions of SIMON.

434. SIMON never told DD investigators that COLLIN's truck was in the driveway of the residence. He told DD investigators that COLLIN's truck was parked on the street when he ran the tags, prior to meeting with the other officers.

435. SIMON told DD investigators that the officers went to the residence to speak with Rachael and COLLIN.

436. SIMON told the investigators that it was he, SIMON, who made initial contact with Ms. Hatfield, and asked for COLLIN and Rachael, at the residence.

437. SIMON claimed that, prior to any shots being fired, he grabbed COLLIN's right hand.

438. SIMON stated that he grabbed COLLIN's right hand and felt a metal object resembling the butt of a gun in COLLIN's pocket. SIMON stated that he "continually" yelled "gun, gun – he's got a gun" prior to COLLIN being shot.

439. SIMON had COLLIN's right hand secured prior to any shots being fired.

440. SIMON stated that he did not see the gun COLLIN allegedly possessed until after COLLIN was shot and it fell out of his hand. SIMON told investigators that after COLLIN was shot, he removed COLLIN's gun from where it landed and placed it on a backyard ledge for "safety reasons" and because the Hatfield family was upset.

441. SIMON never mentioned to the investigators that he kicked the gun allegedly dropped near COLLIN before picking it up. SIMON was silent about FORD instructing him to pick the gun up and remove it from where it allegedly fell.

442. SIMON never tells the investigators that he had shown a photograph of COLLIN to the officers at USA Drug prior to going to the residence to arrest him.

443. The DD investigators, including Lt. Glenn King, used leading questions to increase the likelihood that they would obtain statements, even if false, which favored the officers, such as "I guess at some point and you I guess discovered the gun *on him*?" when SIMON had already stated that he did not see the gun until after it allegedly fell to the ground. (emphasis added)

444. The purpose of this exercise was to increase the likelihood that information tending to exonerate officers, even if false, became part of the file to be reviewed by the Prosecutor.

445. The investigators, including Ray, willfully neglected to ask pertinent questions of SIMON. Examples of these omissions include:

- a) failing to ask what was discussed at the meeting at the USA Drug Store planning meeting;
- b) failing to ask SIMON why he allegedly started the process for securing an arrest warrant if he only went to the residence to speak with Rachael;
- c) failing to ask SIMON why he did not wait for a valid arrest warrant if he planned to arrest COLLIN and/or Rachael;
- d) failing to ask SIMON to describe the position of COLLIN's body when he was shot;
- e) failing to ask why SIMON why he told some of the officers that he had secured an arrest warrant, when, in fact, he had not;
- f) failing to inquire into SIMON's reasoning that public safety concerns after the shooting outweighed evidentiary integrity in terms of his physically moving the gun from where it allegedly lay when Ms. Hatfield, Rachael and Paul had been removed from the area;
- g) failing to ask how much time passed between the gunshots and his picking up and removing the gun;
- h) failing to ask why he placed the gun on a ledge twelve (12) feet away;
- i) failing to inquire into the reasonableness of SIMON's decision to arrest COLLIN at the time, place and in the manner that he did; and
- j) failing to inquire as to the reasonableness of attempting to arrest a perceived armed felon at the time, place and in the manner that the officers attempted to arrest COLLIN.

446. DD investigators did not confront SIMON with HASTINGS' statement that the officers were, in fact, there to arrest COLLIN, and not merely to speak with Rachael.

447. DD investigators did not confront SIMON with HASTINGS' statement that SIMON planned on arresting COLLIN based on probable cause.

448. DD investigators did not confront SIMON with the fact that HASTINGS' stated that it was he, HASTINGS, who asked for COLLIN, and not SIMON.

449. They never asked SIMON if he heard WOODALL call for assistance on his radio.

450. Avoiding material subject matter out of concern that the exploration of same might lead to information which tends to incriminate a suspect is not consistent with proper police protocol for homicide investigations.

451. The purpose of these acts and omissions was to prevent information which tended to incriminate the officers who killed COLLIN from becoming part of the file to be reviewed by the Prosecutor.

452. On August 6, 2008, SIMON gave his IA statement, pursuant to GO 303.

453. SIMON told IA investigators that he ran the tags on COLLIN's truck because it was in the driveway of the residence, a fact contradicted by his own prior DD statement, and refuted by photographs in the DD file. *See Photograph of COLLIN's truck, attached hereto as Exhibit N.*

454. SIMON told IA investigators that the officers only went to the residence to interview Rachael.

455. SIMON did not tell IA investigators that he had shown a photograph of COLLIN to the officers at USA Drug before going to the residence.

456. SIMON told IA investigators that after COLLIN resisted, he and the officers "fell to the ground."

457. SIMON told IA investigators that he removed the gun from where it allegedly dropped because he wanted to get the gun away from Rachael and her mom.

458. SIMON said nothing to the investigators about kicking the gun that allegedly dropped near COLLIN after the shooting.

459. SIMON said nothing to the IA investigators about FORD telling him to move the gun from where it allegedly dropped near COLLIN after the shooting.

460. SIMON told IA investigators that he did not know that COLLIN was at the residence at the time the officers went there.

461. SIMON told IA investigators that it was he, SIMON, who initiated contact with Ms. Hatfield, and asked for Rachael and COLLIN.

462. The IA investigators asked leading questions of SIMON to assist in the conspiracy, like "So you didn't have any knowledge that he's at 621 Gillette right then?"

463. They did not confront SIMON with FORD and Lundy's DD statements that SIMON showed photographs of COLLIN and Rachael prior to going to the residence.

464. They did not confront SIMON regarding HASTINGS' statement that it was HASTINGS who asked for COLLIN.

465. The IA investigators did not confront SIMON regarding HASTINGS' statement that SIMON was in the process of getting arrest warrants for COLLIN and Rachael.

466. The IA investigators did not acknowledge that prior to the attempted arrest of a potentially armed felon, the officers had planning meeting to effectuate the arrest.

467. The IA investigators did not ask SIMON why he needed additional support officers to merely interview Rachael Hatfield. They did not ask SIMON why tactical positions were needed to conduct an interview.

468. IA investigators never asked SIMON to clear up whose decision it was to pick the gun up and remove it. IA investigators never asked SIMON if FORD told him to pick up the gun, as FORD said he did. They never asked SIMON if he kicked the gun, as FORD said he did.

469. The IA investigators did not acknowledge with SIMON that the audio recording of Lundy's MVR was damaged or compromised. The IA investigators did not ask SIMON if he was aware of the damaged or compromised state of the MVR recording, and did not ask him if he knew how the audio footage became damaged or compromised.

**Officer Michael Lundy**

470. On or about July 16, 2008, Lundy submitted a report to his superior, WOODALL, wherein he stated that he and SIMON went to 621 Gillette to serve two arrest warrants for COLLIN and Rachael.

471. Lundy's report was false insofar as SIMON never got valid arrest warrants for COLLIN or Rachael.

472. On July 16, at 5:12 pm, Lundy gave a statement to DD investigators. Ray was present for this statement, and asked questions of Lundy.

473. Lundy told DD investigators that SIMON showed him a photograph of COLLIN and Rachael before the officers went to the residence.

474. Lundy stated that when COLLIN resisted being handcuffed, Lundy grabbed COLLIN by his neck, and the officers took COLLIN down to the ground.

475. Lundy stated that WOODALL approached the struggle with his gun drawn, and asked "does he have a gun?" and this was before anyone yelled "gun." Lundy stated that after he grabbed COLLIN's left wrist, "all of a sudden [Lundy heard] 'gun' and then shots fired."

476. Lundy claimed that, prior to any shots being fired, he grabbed a hold of COLLIN's left wrist and left arm.

477. Lundy's DD statement reflects that WOODALL was pointing his gun at COLLIN for "a few moments" before anyone yelled "gun" and before anyone saw a gun in the possession or vicinity of COLLIN, which contradicts WOODALL's account.

478. After the officers shots fired their shots, Lundy released COLLIN's left arm.

479. Lundy stated that he never saw a gun attributable to COLLIN until after the shooting when he noticed "a little black semi automatic gun...laying on a brick wall when [he] passed."

480. Lundy told DD investigators that "within moments" of the shooting, HASTINGS went inside the residence.

481. Paul told Lundy that COLLIN's arms were behind his back when he was shot, however, Lundy never told the investigators that a witness told him that COLLIN's arms were behind his back when he was shot.

482. Lundy told the DD investigators that his MVR audio equipment was fully operational and functioning during the incident.

483. In the minutes following the shooting, at 10:51:02 on Lundy's MVR recording, Lundy can be seen manipulating the audio recording capability of his MVR system while talking to an investigating sergeant. Specifically, at 10:51:02, Lundy turned off the audio so that what he said to the sergeant would not be recorded, in clear violation of GO 316.

484. The investigators, including Knowles, used leading questions to increase the likelihood that they would obtain statements, even if false, which favored the officers, such as "Okay, so it's my understanding this would- this would be a -felony investigation and *possibly*

an arrest?” where Lundy had already stated his understanding that the officers were serving “active” arrest warrants and where he had already included that belief in his report. (emphasis added)

485. The investigators, including Knowles, used improper questions to increase the likelihood that they would obtain statements, even if false, which favored the officers, such as “Okay, could you tell whether the suspect was able to fire uh his gun or not?” where Lundy had already stated that he never saw a gun in the possession or vicinity of COLLIN.

486. The purpose of the investigators in asking improper questions was to increase the likelihood that information tending to exonerate officers, even if false, became part of the file to be reviewed by the Prosecutor.

487. The investigators, including Ray, willfully neglected to ask pertinent follow-up questions of Lundy. Examples of these omissions include:

- a) failing to inquire as to the reasonableness of attempting to arrest a perceived armed felon at the time, place and in the manner that the officers attempted to arrest COLLIN;
- b) failing to ask Lundy if he could identify which officer stated “gun.”;
- c) failing to ask Lundy why he turned off his MVR recorder while talking to the sergeant; and
- d) failing to inquire as to what Lundy told the sergeant while Lundy’s MVR was disabled.

488. DD investigators never asked Lundy if he heard WOODALL call for assistance on his radio.

489. DD investigators never asked Lundy if he saw SIMON remove a gun from near COLLIN, or whether he saw SIMON kick a gun from near COLLIN.



490. They never asked Lundy if he heard FORD instruct SIMON to pick up the gun after the shooting. They never asked if Lundy saw anyone move the gun from where it allegedly dropped.

491. Avoiding material subject matter out of concern that the exploration of same might lead to information which tends to incriminate a suspect is not consistent with proper police protocol for homicide investigations.

492. The purpose of these acts and omissions was to prevent information which tended to incriminate the officers who shot and killed COLLIN from becoming part of the file to be reviewed by the Prosecutor.

493. On August 6, 2008, Lundy gave his IA statement, pursuant to GO 303.

494. Lundy told IA investigators that SIMON showed photographs of COLLIN and Rachael to the officers before they went to the residence.

495. When Lundy began to tell IA investigators about the purpose for the officers going to the residence, they attempted to cut him off before he said something incriminating:

IA investigator: Yeah. I have a couple of questions. When you first met with Detective Simon at USA Drug, did he state that a weapon was involved in the burglary?

Lundy: Uh...yes. He said that the suspect was wanted in reference to a residential burglary and the theft of a 9mm...

IA investigator: Okay.

Lundy: ...was taken during that burglary.

IA investigator: And my second question...

496. IA did not confront Lundy about his telling Ms. Hatfield that the officers had a warrant for COLLIN and Rachael's arrest, when they did not, even though one can clearly hear him give this false information to Ms. Hatfield on Lundy's MVR.

497. IA investigators never asked Lundy if he saw SIMON remove a gun from near COLLIN, or whether he saw SIMON kick a gun from near COLLIN. They never asked Lundy if he saw anyone move a gun from the area.

498. IA investigators never asked Lundy if he heard FORD instruct SIMON to pick up the gun after the shooting.

499. The IA investigators did not ask Lundy why seven officers were needed to merely interview COLLIN and Rachael. They did not ask Lundy why tactical positions were needed to conduct an interview.

500. The IA investigators did not acknowledge with Lundy that his MVR was damaged or compromised. The IA investigators did not ask Lundy if he was aware of the damaged or compromised state of the audio recording, and did not ask him if he knew how the audio become damaged or compromised.

501. IA did not ask him if he manipulated his microphone at any time.

502. Despite Lundy's actions which were captured by his own MVR camera, he was never disciplined for manipulating the audio recording, which was a violation of GO 316.

**Officer Bryan Gasaway**

503. On July 16, 2008, at 5:29 pm, Gasaway gave a statement to DD investigators. Ray was present for this statement, and asked questions of Gasaway.

504. Gasaway initially stated that when the officers went to 621 Gillette, he did not know if there was a valid arrest warrant for COLLIN, and the officers just went to the residence to talk to COLLIN.

505. Gasaway did not tell the investigators about the prior meeting at USA Drug where SIMON showed photographs of COLLIN and Rachael, and planned the arrest.

506. Gasaway told DD investigators that when the officers arrived at the residence, he went to the front of the house to make sure COLLIN did not escape through a window.

507. Gasaway told the investigators that his role was that of a “support” officer.

508. The investigators, including Leshner, used leading questions such as “Okay, so to your knowledge yall were there to investigate a suspect in a burglary in which a handgun was stolen?” when Gasaway had already stated that the officers were “just going over here to talk to [COLLIN]...”

509. Gasaway told DD investigators that he heard someone say “let me see your hands,” and then he went running toward the back of the residence. He said that he heard 5-6 gunshots before he got to the back patio.

510. Gasaway said he “saw [COLLIN] on the ground, uh and a small caliber handgun that - that he had laying on the ground beside him.”

511. The investigators, willfully neglected to ask pertinent questions of Gasaway. Examples of these omissions include:

- a) failing to ask any questions about the specific location of the gun as he observed it after it allegedly fell from COLLIN’s hand;
- b) failing to ask Gasaway to identify who was present while the gun lay on the ground, before it was moved; and

- c) despite the fact that Gasaway arrived at the crime scene immediately after the shooting, failing to ask him to describe the position of COLLIN's body as he observed it.

512. DD investigators never asked if Gasaway if he heard WOODALL call for assistance on his radio.

513. DD investigators never asked Gasaway if he saw SIMON remove the gun from near COLLIN's body. They never asked Gasaway if he saw SIMON kick the gun. They never asked Gasaway if he heard FORD instruct SIMON to pick up the gun. They never asked Gasaway if he saw anyone move the gun.

514. Avoiding material subject matter out of concern that the exploration of same might lead to information which tends to incriminate a suspect is not consistent with proper police protocol for homicide investigations.

515. The purpose of these acts and omissions was to prevent information which tended to incriminate the officers who shot and killed COLLIN from becoming part of the file to be reviewed by the Prosecutor.

516. On August 6, 2008, Gasaway gave his IA statement, pursuant to GO 303.

517. Gasaway told IA investigators that SIMON went to the residence in an attempt to make contact with COLLIN.

518. IA investigators never asked Gasaway if SIMON told him that SIMON had warrants for the arrest of COLLIN and Rachael.

519. IA investigators never asked Gasaway why he needed to guard the front of the house if the officers were only there to talk with COLLIN and Rachael.

520. IA investigators never asked Gasaway to explain the position, or the specific location, of the gun which allegedly dropped from COLLIN's hand after the shooting.

521. IA investigators never asked Gasaway if he saw SIMON remove the gun from near COLLIN's body. They never asked Gasaway if he saw SIMON kick the gun. They never asked Gasaway if he heard FORD instruct SIMON to pick up the gun. They never asked Gasaway if he saw anyone move the gun.

522. The IA investigators did not ask Gasaway why seven officers were needed to merely interview COLLIN and Rachael. They did not ask Gasaway why tactical positions were needed to conduct an interview.

523. The IA investigators did not acknowledge with Gasaway that the audio recording of Lundy's MVR was damaged or compromised. The IA investigators did not ask Gasaway if he was aware of the damaged or compromised state of the MVR recording, and did not ask him if he knew how the audio footage become damaged or compromised.

**Officer Christopher Bonds**

524. On July 16, 2008, at 5:42 pm, Bonds gave a statement to DD investigators. Leshar was present for this statement and asked questions of Bonds.

525. Bonds told DD investigators that SIMON was on the police radio, and requested a couple of marked units in reference to going to "talk to a guy about a warrant involving a burglary."

526. Bonds told the investigators, that at the meeting at USA Drug, SIMON showed the officers a photo of COLLIN and Rachael, both of whom he advised resided at 621 Gillette.

527. Bonds told DD investigators that he, Gasaway and FORD watched the front door in case COLLIN tried to escape through the front door. He stated that he heard a commotion toward the back of the house, and ran back there.

528. Bonds told the investigators that when he reached the back patio, he saw COLLIN lying on the ground, and he heard officers saying “let me see your hands.”

529. Bonds told the DD investigators that he did not see any of the “scuffle” occurring.

530. Bonds told the investigators that he heard 3-4 gunshots, but that he had “no idea” who fired the shots. He told them that he did not see COLLIN with a gun.

531. The DD investigators asked Bonds if he ever saw the gun allegedly possessed by COLLIN, and he responded, “[a]t that time I didn’t see it but once it was all over I saw it laying off to the side.”

532. The DD investigators did not ask Bonds what he meant by “off to the side,” and they did not ask him to be more specific as to the location of the gun when he saw it.

533. DD investigators never asked Bonds if he saw SIMON remove the gun from near COLLIN’s body. The investigators never asked Bonds if he saw SIMON kick the gun. They never asked Bonds if he heard FORD instruct SIMON to pick up the gun. They never asked Bonds if he saw anyone move the gun.

534. The DD investigators did not ask Bonds if he saw the gun allegedly possessed by COLLIN on a ledge at any time.

535. On August 6, 2008, Bonds gave his IA statement, pursuant to GO 303.

536. Bonds told IA investigators that SIMON showed the officers photographs of COLLIN and Rachael prior to going to the residence. Bonds told IA investigators that SIMON told the officers that COLLIN “normally hangs out” at the residence. Bonds told IA investigators that SIMON planned to arrest COLLIN and Rachael at the residence.

537. Bonds told IA investigators that, when he got back to the patio, he saw three or four officers trying to take COLLIN into custody. According to Bonds, at that time, COLLIN was on the ground, pulling away from the officers.

538. In light of Bonds' statement that he allegedly saw COLLIN resisting arrest, the IA investigators never asked Bonds why he told DD investigators that he never saw a "scuffle" between COLLIN and the other officers.

539. Bonds told IA investigators that when he saw the gun allegedly possessed by COLLIN, it was "[o]n the wall."

540. Bonds told IA investigators that he knew who fired the first shot. However, the IA investigators never followed up on his statement, and never asked the identity of that person.

541. Despite the fact that Bonds told the IA investigators he knew who fired the first shot, they never asked him why he told DD investigators that he had "no idea" who fired shots.

542. IA investigators never asked Bonds if he saw SIMON remove the gun from near COLLIN's body. IA investigators never asked Bonds if he saw SIMON kick the gun. IA investigators never asked Bonds if he heard FORD instruct SIMON to pick up the gun. They never asked Bonds if he saw anyone move the gun.

543. The IA investigators did not acknowledge with Bonds that the audio recording of Lundy's MVR was damaged or compromised. The IA investigators did not ask Bonds if he was aware of the damaged or compromised state of the MVR recording, and did not ask him if he knew how the audio footage become damaged or compromised.

544. Neither the DD investigators nor the IA investigators ever asked any of the involved officers if they were the ones to state "I know I'm not in trouble. I didn't do sh\*t," or if they could identify who said it. Neither the DD investigators nor the IA investigators ever

sought out that officer to determine what he meant when he said it. There is no mention in any of the materials generated in the matter—by the DD, IA or DFRB—about this statement, which indicates that someone did something wrong, and which could be construed as a party admission made by an agent of a defendant.

**Hudson Continues the LRPD's Conspiratorial and Fraudulent Acts Which Began Immediately after the Shooting With His Police Interview of COLLIN's Best Friend, Chaffin Booe**

545. During his aforementioned discovery deposition, Hudson testified that within the LRPD he is known by the nickname "Tommy Talks," which signifies that he is "considered to be a very good interrogator." He testified that he possesses unique skills, and a sternness, which make him an especially effective police interrogator. He testified that interrogations are the favorite part of his job.

546. Hudson further testified that even though the purpose of police-involved shooting investigations is to determine whether the police shooting was justified, and even though a separate criminal investigation looks into possible criminal acts of a use-of-force victim, he was nonetheless informally trained at the LRPD to use police-involved shooting investigations as a means to collect evidence of possible criminal acts to use against the use-of-force victim.

547. The purpose of this informal custom is to increase the likelihood that information which favors the involved officers, even if false or immaterial, becomes part of the file to be reviewed by the Prosecutor.

548. On July 16, 2008, at 5:10 pm, Hudson questioned Chaffin Booe, COLLIN's best friend. Chaffin was not a witness to the shooting, and was never present at the scene of the shooting. His statements were audio taped and transcribed internally.



549. Chaffin was read his *Miranda* rights and advised that his words could be used against him in a court of law. Hudson read Chaffin his *Miranda* rights in order to intimidate him with the threat of arrest, and to make Chaffin more susceptible to Hudson's influence and more likely provide information to assist in exonerating WOODALL, HASTINGS, SIMON and FORD in the investigation into the *Spradling* shooting.

550. Chaffin told Hudson that Ms. Harris' daughter, Lindsey, was a friend of his.

551. Hudson used leading questions on Chaffin to increase the likelihood that he would obtain statements, even if false, which disparaged COLLIN, such as:

- "Uh talking to Lindsey a while ago, she said that Collin had a drug problem, is that true?"; and
- "I don't want to put words in your mouth or anything like that but was he geeking...when it all went down?"

552. The purpose of this exercise was to increase the likelihood that information tending to exonerate officers, even if false, became part of the file to be reviewed by the Prosecutor.

553. Hudson intentionally asked confusing questions of Chaffin such as "Well let- let me ask you this, uh I - I guess asking you that, when I'm talking about geeking, you know he's- you know well I guess strung out is the main thing?" to induce Chaffin to say that COLLIN was "strung out" on drugs at the time of the shooting.

554. Hudson tried to induce Chaffin to say that COLLIN was capable of committing burglary "to try to get the money to go buy more drugs" even though Hudson knew or should have known that, assuming COLLIN committed the alleged burglary, the reason he did so would serve no purpose in determining whether the officers' actions in attempting to arrest COLLIN or shooting him were justifiable.

555. Such questions were asked, and such statements were induced, for the purpose of disparaging COLLIN so as to exonerate the involved officers and to make it more difficult to pursue a civil cause of action against the officers.

556. Hudson used deceptive questions structured so that no matter the response, it would not conflict with the involved officers' false stories, such as "Uh how often –did Collin have a gun on him all the time, *do you know?*" (emphasis added) Hudson's question was structured this way so that if Chaffin replied "no," Hudson would not be precluded from reporting that COLLIN had a gun on him all the time. Rather, he could report that Chaffin simply was unaware of the purported "fact" that COLLIN had a gun on him all the time, including July 16 at the time of the shooting.

557. Hudson used leading questions to increase the likelihood that Chaffin would not disagree with Hudson's presumptions which favored the officers, such as "Chaffin is there anything else you think I need to know or you think you have any – any excuse or why [COLLIN] might of (sic) done what he did today?" when he knew Chaffin was not present at the scene and when he knew or should have known that such information, even if true, was not known to the officers who killed COLLIN, and would serve no purpose in determining whether the officers' actions were justifiable.

558. Hudson willfully neglected to establish fundamental, material facts, such as the fact that Chaffin did not even see COLLIN on July 16, and the fact that Chaffin was never at the scene of the shooting.

559. The purpose of these omissions was to lend false, firsthand observer credibility to Chaffin's vague, induced statements, and to help exonerate the involved officers who shot and

killed COLLIN, and to prevent information which tended to incriminate those officers from becoming part of the file to be reviewed by the Prosecutor.

560. Hudson ended the audio recording of Chaffin's statement, and spoke with him off the record for approximately two minutes, without recording the discussion or having it transcribed.

561. Upon information and belief, during this unrecorded discussion, Hudson told Chaffin to state that COLLIN had previously told Chaffin that COLLIN would not be taken alive if police officers ever attempted to arrest him. Upon information and belief, Chaffin, who was a criminal suspect, as evidenced by his being read *Miranda* rights, felt the pressure applied by Hudson, and stated he would say whatever Hudson wanted him to say.

562. Hudson took a second statement from Chaffin two minutes after the first statement ended, and resumed audio recording at that time.

563. During this statement, Hudson induced Chaffin to state that COLLIN had told Chaffin that COLLIN generally would "not be taken alive by police," even though Hudson knew or should have known that such information, even if true, was not known to the officers who killed COLLIN, and would serve no purpose in determining whether the officers' actions were justifiable.

564. Such information was collected for the purpose of disparaging COLLIN so as to exonerate the officers and make it more difficult to pursue a civil cause of action against the officers.

565. Though Hudson said to Chaffin on at least two occasions "I don't want to put words in your mouth....," that is precisely what he did.

566. Hudson willfully neglected to ask questions of Chaffin which would tend to exonerate COLLIN. Avoiding material subject matter out of concern that the exploration of same might lead to information which tends to incriminate a suspect is not consistent with proper police protocol for homicide investigations.

567. The purpose of these acts and omissions was to prevent information which tended to incriminate the officers who shot and killed COLLIN from becoming part of the file to be reviewed by the Prosecutor.

568. Chaffin Booe committed suicide on January 11, 2011. Upon information and belief, Booe reportedly killed himself because he was consumed by guilt as a result of the false information which impugned his best friend, COLLIN, that he was compelled to provide by Hudson during the DD investigation.

**THE LRPD INVESTIGATIONS OF THE SPRADLING SHOOTING WERE INTENTIONALLY BIASED, AND THE LRPD WILLFULLY FAILED TO PRESERVE EVIDENCE, WHICH SERVED TO PROTECT THE INVOLVED OFFICERS**

569. The DD investigation, IA investigation and DFRB review of the *Spradling* shooting, were all intentionally biased, and the reports generated by each of the investigations reflect this fact. The LRPD omitted from these reports material facts which tended to incriminate the involved officers in a wrongful arrest and shooting. Moreover, the LRPD intentionally failed to preserve important evidence, and disregarded the intentional spoliation of important evidence. All of these acts and omissions served to protect the involved officers, and make it more difficult to pursue a civil cause of action against them.

570. The investigators' questions were never intended to uncover impartial facts. The investigators questions were never intended to assist in determining whether the officers' actions were justified. Rather, the involved officers and investigators sought to build a case against

COLLIN, exonerate the involved officers, and make it more difficult to pursue a civil cause of action against them.

571. Such investigation customs are not consistent with proper police protocol for investigating police-involved homicides.

572. WOODALL, HASTINGS and FORD waived their *Miranda* rights, evincing their awareness that the LRPD internal investigation custom would serve to protect them and insulate them from discipline and criminal charges, despite the true facts of the matter.

573. Investigators spent just over two hours interviewing seven eyewitnesses and shooters. This is an inadequate, insufficient timeframe to reasonably conduct such interviews considering the seriousness of the matter, the conflicting material facts gathered, and the number of officers involved.

574. Despite a thorough reading of the statements taken from these individuals, many material facts simply cannot be determined because pertinent questions were never asked, pertinent subject matter never explored, and, to the extent that answers were given, they tended to be incomplete and not developed by the investigators.

575. Despite the obvious, material inconsistencies between the statements of Ms. Hatfield, Rachael and Paul, on the one hand, and the involved officers on the other, the LRPD investigators never contacted the Hatfield family after their July 16 statements to clear up any confusion, despite requests from Ms. Hatfield to discuss the matter further.

576. Despite the fact that there were obvious material inconsistencies in the statements of the involved officers, including WOODALL, HASTINGS, SIMON and FORD, none of the involved officers was ever asked to give follow-up statements or clear up any of the confusion created by the inconsistencies in their statements.

577. An investigation custom whereby a subordinate officer reports to a superior officer who is a suspect in a police-involved homicide regarding observations which may be critical of the superior officer's conduct, said custom unreasonably increases the likelihood for false testimony which tends to exonerate the suspect.

578. Further, an investigation custom whereby a subordinate officer may potentially have to state facts critical of superior officer to colleagues and other superior officers, said custom unreasonably increases the likelihood for false testimony which tends to exonerate the suspect.

579. Such investigation customs are not consistent with proper police protocol for investigating police-involved homicides.

**Official Reports Prepared by the LRPD in the *Spradling* Shooting are Intentionally Misleading, Incomplete, Inaccurate, and Contain False Information, All of Which Was Intended to Conceal the Truth, and Protect the Involved Officers**

580. Ray's case summary report is a one-sided, biased and misleading account of the incident which was intended to disparage COLLIN, to make the officers' actions seem justified and to make it more difficult to pursue a civil cause of action against WOODALL, HASTINGS, SIMON and/or FORD. *See LRPD Case Summary Report of the Spradling shooting, attached hereto as Exhibit O.*

581. Ray included in his case summary report false information that COLLIN had allegedly harassed Ms. Harris and her family even though Ray knew or should have known that such information, even if true, was not known to the officers who killed COLLIN, and would serve no purpose in determining whether the officers' actions were justifiable.

582. Ray intentionally drafted the case report summary in this way for the purpose of disparaging COLLIN so as to make the officers' actions seem justified and to make it more

difficult to pursue a civil cause of action against WOODALL, HASTINGS, SIMON, FORD and/or other officers.

583. Continuing the CITY's attempts at disparaging COLLIN, Ray accessed the *Facebook* account of an acquaintance of COLLIN and printed out images, some of which are photographs of COLLIN and his friends playfully holding rifles.

584. Despite the fact that the DD investigation was conducted to determine whether the officers' actions were justified in the shooting, Ray included these photographs in the DD file sent to the Prosecutor. Ray sent these photos even though he knew or should have known that such images (which were included to falsely portray COLLIN as a violent person) were not known to the officers on July 16, 2008 and would serve no purpose in determining whether their actions were justifiable.

585. Such information was collected and sent to the Prosecutor for the purpose of disparaging COLLIN, to make the officers' actions seem justified and to make it more difficult to pursue a civil cause of action against WOODALL, HASTINGS, SIMON and/or FORD.

586. Ray's case summary report contains many false statements such as stating that HASTINGS drew his weapon after he heard SIMON say "gun" where all statements collected by the investigators indicate that HASTINGS' gun was drawn immediately.

587. Ray's report fraudulently conceals that the officers went to arrest COLLIN without first obtaining an arrest warrant. Rather, it states that SIMON requested his squad members and WOODALL meet him in a pharmacy parking lot "to assist him in making contact with the occupants of the residence," which is false, and downplays the failures of the involved officers to follow proper arrest procedures, and to comply with the Fourth Amendment.

588. Ray's case summary report fraudulently conceals many pertinent facts that speak to the reasonableness of the officers' actions, such as the fact that SIMON moved the gun after COLLIN was shot, and the fact that the officer were not separated after the shooting.

589. Ray's case summary report does not address that while SIMON stated that it was his decision to remove the gun from where it allegedly dropped, FORD unequivocally stated that SIMON kicked the gun before removing it, and that he, FORD, instructed SIMON to pick up the gun.

590. Ray's case summary report does not acknowledge the Lundy's MVR video exists. It does not include the fact that the audio recording of Lundy's MVR, which should have recorded pre-shooting dialogue, among other crucial evidence, was damaged or compromised.

591. Ray's case summary report is utterly devoid of material facts supplied by Ms. Hatfield, Rachael and Paul. Examples of these omissions include that HASTINGS put a gun to COLLIN's head immediately after COLLIN was thrown to the ground, that none of them heard any officer say "gun," and that Ms. Hatfield and Rachael did not believe that COLLIN had a gun. Ray's report omits that Paul stated that COLLIN's arms were behind his back, which is captured on an undamaged portion of the MVR audio footage.

592. Ray falsely included in his case summary report that COLLIN "had a bad drug problem." Ray even went so far as to report to the Prosecutor that COLLIN, who had a young son whom he very much loved and who was very close to his own nuclear family, intended to take his own life on July 16, 2008, "you know like a suicide by cop thing."

593. Said material facts serve to make the shooting of COLLIN seem less reasonable, and they were fraudulently concealed by Ray to prevent information which tended to incriminate



the officers who shot and killed COLLIN from becoming part of the file to be reviewed by the Prosecutor.

594. The IA and DFRB report generated in the *Spradling* shooting continued the fraudulent concealment and conspiracy, which began on July 16, 2008, and continue to this day. The IA report states that SIMON made contact with Ms. Hatfield, though HASTINGS claims it was him. It states that WOODALL heard a “high pitch sound which was not consistent with the sound made by the departmental issued weapons,” in further the false notion that COLLIN fired a gun, which he did not.

595. The IA report says “As a result of the struggle, Spradling, Detective Simon, Detective Hastings and Officer Lundy *fell* to the ground,” echoing the false statement of several of the involved officers. However, Lundy told a supervisor that the officers “took [COLLIN] down on the ground- *we all took him down to the ground,*” and where HASTINGS told DD investigators that COLLIN grabbed by the neck and took him to the ground by officers. (emphases added) Lundy stated “[u]m, hey, where he is laying is where he was shot...*he didn’t fall or anything like that.* We had him on the ground, and that is how he laid.” (emphasis added)

596. Ms. Hatfield and Rachael each testified that COLLIN was thrown to the ground.

597. The LRPD investigators reported that COLLIN and the involved officers all fell, to make it appear that the officers were not in physical control of the situation, which they were.

598. The IA report omits FORD’s statement that SIMON kicked the gun, and then FORD instructed SIMON to pick it up, and remove it. It willfully neglects to mention that Lundy’s MVR captured Paul stating that COLLIN was pinned with both of his arms behind his back, immediately after the shooting.

599. The IA report states unequivocally that “[t]he involved officers were separated,” which is absolutely false. It states that the scene properly secured and processed by CSSU, which is also false, as evidenced by the incomplete and inaccurate crime scene log. The report references “inconsistencies” with the crime scene log, but states, without elaboration, that they “do not affect the final disposition of the case.”

600. Incredibly, the IA report states that “[a]ll of the statements were consistent regarding the sequence of events and the facts of the case.” The IA report mentions Lundy’s MVR, it states that “there is no video which captures the use of Deadly Force,” and fails to apprise the reader of all of the audio footage which tends to incriminate the involved officers. It states that the involved officers complied with GO 303 and GO 203. The IA report recommended that the officers’ “use of deadly force be classified as ‘exonerated.’”

601. In an affidavit from a prior cause, THOMAS has attested that the DD investigation and IA investigation of the *Spradling* shooting were “rigorous” investigations.

602. On September 9, 2008, HASTINGS, FORD and WOODALL were advised by the Prosecutor that he would not pursue any criminal charges stemming from the *Spradling* shooting.

603. That the fact of the exoneration of HASTINGS, FORD and WOODALL and the lack of discipline to HASTINGS, FORD, SIMON and WOODALL tends to make their actions seem justified, and makes a civil lawsuit based on those same actions more difficult to pursue and maintain.

604. On October 6, 2008, the DFRB issued their official report on the *Spradling* shooting. The DFRB report indicates that Mr. Carpenter sat on the DFRB. It also indicates that Mr. Carpenter provided deadly force training to WOODALL, HASTINGS, and FORD. The DFRB report says Ms. Harris knew the driver to be “Rachael.” DFRB report says officers went

to “question” COLLIN about the burglary. DFRB found that supervisors acted quickly to take charge of the situation. It found that while there were “some inconsistencies” in the crime scene log, those inconsistencies were of little consequence to the investigation. DFRB found that the DD and IA investigations “were thorough and complete.”

605. No arrest warrant was ever authorized for the arrest of COLLIN at any time. No arrest warrant was ever authorized for the arrest of Rachael Hatfield at any time.

### **FRAUDULENT CONCEALMENT**

606. The Eighth Circuit and Rule 9(b) of the Arkansas Rules of Civil Procedure require that fraud be pled with particularity, and this pleading applies to the doctrine of fraudulent concealment. Under Arkansas law, in order for the running of the statute of limitations to be tolled on the basis of fraudulent concealment, there must be: (1) a positive act of fraud; (2) that is actively concealed; and (3) is not discovered by reasonable diligence.

607. If fraudulent concealment is properly pled, a § 1983 complaint is “invulnerable to dismissal on limitations grounds, and a fact question is created on which both sides are entitled to offer proof.” *Williams v. Hartje, et al.*, 827 F.2d 1203, 1205 (8th Cir. 1987).

### **THE CITY ENGAGED IN MULTIPLE AFFIRMATIVE ACTS CONSTITUTING CONSPIRACY AND FRAUDULENT CONCEALMENT WHICH WERE NOT DISCOVERED BY PLAINTIFF’S REASONABLE DILIGENCE**

608. The following is a list of ways the CITY, through its agents, servants and employees covered up the actions of WOODALL, HASTINGS, SIMON, FORD and other involved officers, thereby fraudulently concealing the true nature of what transpired, and the basis to bring a civil rights action in good faith:

- a) The involved officers entered Ms. Hatfield’s home after the shooting;

- b) The involved officers entered COLLIN's truck after the shooting;
- c) The involved officers planted a gun on COLLIN after the shooting;
- d) The involved officers falsely claimed they had arrest warrants;
- e) The LRPD allowed Lt. Hastings to notify the Spradling family about the shooting;
- f) Lt. Hastings gave false information about the shooting and circumstances surrounding the shooting to the Spradling family;
- g) The LRPD withheld crucial information and evidence from the Spradling family;
- h) The LRPD willfully compromised the physical crime scene;
- i) The LRPD willfully compromised physical evidence;
- j) The LRPD failed to separate the involved officers, and allowed collusion;
- k) The LRPD falsely claimed that the involved officers were separated;
- l) The LRPD willfully avoided pertinent subject matter with witnesses;
- m) The LRPD engaged in improper questioning of witnesses;
- n) The LRPD falsified witness statements;
- o) The LRPD allowed Lt. Hastings to respond to *FOIA* requests involving his nephew, HASTINGS;
- p) The LRPD wrongfully withheld documents from *FOIA* disclosure;
- q) The LRPD wrongfully withheld evidence from *FOIA* disclosure;

- r) The LRPD intimidated witnesses during their questioning;
- s) The LRPD willfully provided false statements to the media and public;
- t) The LRPD provided witness statements to the involved officers prior to the officers' official statements;
- u) The LRPD allowed the involved officers to draft their reports together;
- v) The LRPD forced a reporting officer to change her report to favor the involved officers;
- w) The LRPD allowed one of the involved officers' companion officer to be present at the crime scene;
- x) The LRPD allowed the involved officers to change their official accounts of the shooting;
- y) The involved officers were untruthful during their official statements;
- z) The LRPD allowed the involved officers to be untruthful;
- aa) The LRPD ignored material inconsistencies among the various officers' reports and statements;
- bb) The LRPD willfully allowed video recordings to become damaged;
- cc) The LRPD ignored the fact that video evidence had become damaged;
- dd) The LRPD gave a false file to a Little Rock citizen who requested the DD file through *FOIA*;
- ee) The LRPD prepared official reports which were false; and
- ff) The LRPD failed to discipline or even acknowledge multiple violations of police policy committed by the involved officers and investigators.

609. PLAINTIFF came to possess a copy of the DD file related to the shooting sometime in early 2009, pursuant to Ms. Hatfield's *FOIA* request.

610. From 2008 through 2011, PLAINTIFF exercised reasonable diligence in attempting to pursue a lawsuit based on the killing of his son. Examples of this due diligence include his timely obtaining a copy of the, albeit incomplete, DD Investigation file, his opening a probate account for COLLIN's estate, and his seeking out an attorney to represent him and to investigate the matter, to the extent that any pertinent materials could be obtained from the LRPD. PLAINTIFF contacted the FBI, the U.S. Attorney's Office, and the Arkansas Attorney General's Office in unsuccessful efforts to open an outside investigation. PLAINTIFF contacted the Arkansas Bar Association, in an attempt to obtain representation. PLAINTIFF sought lawyers out of state, to no avail.

611. PLAINTIFF attested to such facts in the matter (4:12-CV-693 JMM). *See Affidavits of Michael Spradling, attached as Exhibit P and Q.*

612. As a result of the allegations of fraudulent concealment above, and as a result of the conspiracy in which the CITY, through its agents, servants and employees engaged, PLAINTIFF unknowingly regurgitated a likewise false and incomplete account of facts which made the actions of the officers seem more reasonable than they were, and which, therefore, made legal representation impossible to obtain. Moreover, media accounts of the shooting—containing false and incomplete information supplied by the LRPD and Lt. Hastings—portrayed the shooting as legitimate, which also made legal representation impossible to obtain.

613. The fact of the exoneration of HASTINGS, FORD and WOODALL by the Prosecutor, and the lack of discipline to HASTINGS, FORD, SIMON and WOODALL and other involved officers, also made representation impossible to for PLAINTIFF to obtain.

614. The LRPD further concealed information related to the *Spradling* shooting by manipulating its responses to *FOIA* requests of same.

615. Evidence exists that, on a prior occasion in 2011, a citizen of Little Rock, who requested the DD Investigation file related to the *Spradling* shooting pursuant to the Arkansas *FOIA*, did not receive the DD file. Instead, the CITY gave him the file related to the Harris burglary. The Harris burglary file does not contain, *inter alia*, the crucial statements of HASTINGS, SIMON, FORD, WOODALL, Lundy or any LRPD officer. The Harris burglary file does not contain the statements of Ms. Hatfield, Rachael or Paul. The Harris burglary file does not contain Ray's case summary report.

616. Prior to August 22, 2012, despite his due diligence, PLAINTIFF was also unaware of these pertinent facts:

- a) That there was no valid arrest warrant for COLLIN or Rachael;
- b) That COLLIN did not point a gun at the officers before he was shot and killed;
- c) That COLLIN did not have had a gun in his possession at all or that witnesses claimed he did not;
- d) That much of the material information he supplied to prospective attorneys was false and made the actions of the involved officers seem reasonable when those actions were not reasonable;
- e) That Ms. Hatfield, Rachael and Paul were each questioned at the LRPD before the statements of the involved officers;
- f) That the involved officers discussed the incident together before their official statements;
- g) That the investigators who questioned the witnesses had previously discussed the incident with the involved officers;

- h) That Lt. Hastings was the uncle of HASTINGS, and may therefore have an interest in withholding from PLAINTIFF facts that could adversely affect HASTINGS, his nephew;
- i) That an audio recording and/or transcript of WOODALL asking if COLLIN had a gun should exist and is, presumably, in the possession and/or control of the LRPD;
- j) That an audio recording existed in which a witness states that COLLIN was pinned to the ground with his hand behind his back when he was shot and killed, and said recording was, and has always been, in the possession of the CITY;
- k) That video and audio recordings were withheld by the CITY;
- l) That audio transcripts of a 911 call, WOODALL's alleged radio call, and HASTINGS' call to MEMS was all withheld from PLAINTIFF;
- m) That portions of video recordings contain audio at the time of the attempted arrest and shooting of COLLIN which are defective and/or have been tampered with;
- n) Lt. Terry Hastings misrepresented crucial facts provided to, and omitted crucial facts from, PLAINTIFF;
- o) Intentionally destroying audio footage of 911 call and WOODALL's radio call for assistance;
- p) False transcription of Ms. Hatfield's statement
- q) Leading questions by investigators;
- r) Intentionally cutting off and interrupting witnesses;
- s) No testing on gun to see if COLLIN had in fact held it;
- t) That FORD changed his story to the IA investigators, and claimed that SIMON kicked the gun allegedly possessed by COLLIN, and instructed SIMON to pick it up and remove it;



- u) That LRPD investigators never addresses major chain of custody issues involving the gun allegedly possessed by COLLIN, despite notice of same;
- v) That there were glaring omissions of material facts in the DD case summary report, and other official LRPD reports;
- w) That an involved officer manipulated his audio recording by disabling his lapel microphone;
- x) That after the shooting, an involved officer stated "I know I'm not in trouble. I didn't do sh\*t."
- y) That LRPD investigators never learned which officer stated "I know I'm not in trouble. I didn't do sh\*t." despite hearing it on Lundy's MVR;
- z) That a supervisory officer forced a reporting officer to change her incident report to a version which favored the involved officers; and
- aa) That the involved officers told materially inconsistent stories during the different investigations, and the LRPD never following up on, or addressed, those inconsistencies.

617. On August 22, 2012, the undersigned attorney met with PLAINTIFF relating to another matter, and advised him as to the true facts of the case. On said date, PLAINTIFF finally learned the information that the CITY had withheld from him, Ms. Hatfield, and the public.

618. PLAINTIFF was unaware of the aforesaid acts and omissions until August 22, 2012. This unawareness was the result of all the aforesaid acts and omissions of the above officers, investigators and *FOIA* officers, all of whom were at all relevant times agents, servants and employees of the CITY. These aforesaid acts and omissions were done intentionally with the fraudulent intention to conceal from PLAINTIFF operative facts that constitute the basis for a civil rights and/or wrongful death lawsuit.

619. The aforesaid acts and omissions constituting fraudulent concealment began with on July 16, 2008, and have continued to this day.

620. That the aforesaid acts and omissions constituted positive acts of fraud that were furtively planned and secretly executed by the above officers and investigators, including HASTINGS, FORD, SIMON and WOODALL in order to keep the fraud concealed. That these transgressions served to conceal material facts which were not discoverable despite the reasonable diligence of PLAINTIFF.

621. Despite the due diligence of PLAINTIFF, he remained ignorant of crucial facts, and did not possess crucial evidence of police misconduct as a result of the fraudulent concealment committed by Defendants.

622. That, because of this fraudulent concealment, the initiation of the statute of limitations period for causes of action pertaining to the July 16, 2008 killing of COLLIN is tolled to August 22, 2012.

623. On April 11, 2013, in this matter, the Honorable James M. Moody found that Plaintiff had properly and sufficiently alleged fraudulent concealment, and denied Defendants' Motion to Dismiss, which was premised on the expiration of the statute of limitations. *See Doc. #14 from 4:12-CV-693.*

**COUNT I**  
**C. HASTINGS, WOODALL and FORD for EXCESSIVE FORCE**  
**in VIOLATION of FOURTH AMENDMENT**

624. Plaintiff hereby incorporates and re-alleges Paragraphs one (1) through six-hundred and twenty-two (622) as and for Paragraph 623 of Count I.

625. The force used by C. HASTINGS, WOODALL and FORD, and each of them, was excessive, unnecessary and objectively unreasonable, and proximately caused COLLIN's personal injuries, great pain and death.

626. The conduct of C. HASTINGS, WOODALL and FORD, and each of them, proximately caused a deprivation of the rights, privileges and immunities secured to COLLIN and his beneficiaries by the Fourth and Fourteenth Amendments to the United States Constitution and laws enacted thereunder. With this conduct, C. HASTINGS, WOODALL and FORD, and each of them, showed a reckless or callous indifference to the federally-protected rights of COLLIN.

627. The violence committed by C. HASTINGS, WOODALL and FORD, and each of them, was in violation of the Fourth and Fourteenth Amendment rights of the COLLIN and his beneficiaries, including due process. Therefore, C. HASTINGS, WOODALL and FORD, and each of them, is liable to PLAINTIFF in damages pursuant to 42 U.S.C. § 1983, including loss of life, loss of liberty interest, conscious pain and suffering and punitive damages.

**COUNT II**  
**C. HASTINGS, WOODALL and FORD for WRONGFUL DEATH/NEGLIGENCE**  
**Pursuant to Arkansas Code § 16-62-102(a) and (b)**

628. Plaintiff hereby incorporates and re-alleges Paragraphs one (1) through six-hundred and twenty-six (626) as and for Paragraph 627 of Count II.

629. On July 16, 2008, C. HASTINGS, WOODALL and FORD, and each of them, owed COLLIN a duty to maintain public order and to enforce at all times all such laws, ordinances and regulations for the preservation of good order and the public welfare, including the duty to follow all such laws, ordinances and regulations.

630. Disregarding that duty, C. HASTINGS, WOODALL and FORD, and each of them, were guilty of one more of the following acts which proximately caused COLLIN's death:

a) shot and killed COLLIN without legal justification.

631. By reason of the wrongful death of COLLIN, PLAINTIFF and COLLIN's beneficiaries have incurred pecuniary damages and severe mental anguish.

632. Plaintiff brings Count II pursuant to Ark. Code. Ann. § 16-62-102(a) and (b) which provides for damages whenever the death of a person shall be caused by a wrongful act notwithstanding the death of the person.

WHEREFORE, PLAINTIFF prays for judgment against C. HASTINGS, WOODALL and FORD, and each of them, in an amount which will fully and fairly compensate PLAINTIFF for damages suffered.

**COUNT III**  
**C. HASTINGS, WOODALL, FORD and SIMON for SURVIVAL**  
**Pursuant to Arkansas Code § 16-62-101(a)(1)**

633. Plaintiff hereby incorporates and re-alleges Paragraphs one (1) through six-hundred and thirty-one (631) as and for Paragraph 632 of Count III.

634. On July 16, 2008, prior to his death and including his shooting, COLLIN suffered personal injuries and great pain proximately caused by the wrongful acts of C. HASTINGS, WOODALL, FORD and SIMON, and each of them.

635. By reason of the wrongful acts of C. HASTINGS, WOODALL, FORD and SIMON, and each of them, COLLIN incurred personal injuries and great pain as well as damages in the form of loss of life.

636. PLAINTIFF brings Count III pursuant to Ark. Code. Ann. § 16-62-101(a)(1) which provides for damages for wrongs done to a person and further provides that such an action may be brought after the death of the person by the administrator of his estate.

WHEREFORE, PLAINTIFF prays for judgment against C. HASTINGS, WOODALL, FORD and SIMON, and each of them, in an amount which will fully and fairly compensate PLAINTIFF for damages suffered.

**COUNT IV**  
**THOMAS and the CITY for**  
**FAILURE to TRAIN, SUPERVISE and/or DISCIPLINE**

637. Plaintiff hereby incorporates and re-alleges Paragraphs one (1) through six hundred and thirty-five (635) as and for Paragraph 636 of Count IV.

638. That THOMAS and the CITY have a duty to properly train and discipline LRPD officers so that those officers do not violate the constitutional rights of persons with whom they come into contact.

639. That the training practices at the LRPD are inadequate in the following ways:

- a) failure to properly train LRPD officers on the United States Constitution, the Fourth Amendment and the proper uses of deadly force;
- b) failure to properly train LRPD officers on proper search and seizures, with or without a warrant;
- c) failure to properly train LRPD officers on public safety considerations when discharging a firearm near persons, automobiles or dwellings; and
- d) failure to properly train LRPD officers to avoid or plan to avoid uses of deadly force.

640. That the supervision and discipline practices at the LRPD are inadequate in the following ways:

- a) allowance of a code of silence which prevents incriminatory facts from being known to other LRPD officers and the public at large;
- b) failure to discipline violations of LRPD General Orders; and
- c) failure to discipline instances of improper use of deadly force.

641. At all relevant times, including July 16, 2008 and for years prior thereto, THOMAS and the CITY were recklessly or callously indifferent to the rights of its citizens in adopting their training and discipline practices, such that the failure to train reflects a deliberate or conscious choice by THOMAS and the CITY.

642. This pattern of training and discipline deficiencies, and each of them, was so pervasive as to constitute “customs” with the force of law.

643. The customs described above were moving forces behind the violations of COLLIN’s constitutional rights committed by C. HASTINGS, WOODALL, FORD and SIMON, and each of them, and proximately caused COLLIN’s personal injuries, great pain and death. The custom described above also proximately caused a deprivation of the rights, privileges and immunities secured to PLAINTIFF and COLLIN’s beneficiaries by the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, including due process, and laws enacted thereunder.

644. As a result of the customs described above, COLLIN was subjected to excessive force and caused to die and, as a result, the City is liable to Plaintiff in damages under 42 U.S.C. § 1983, including loss of life, loss of liberty interest, and conscious pain and suffering.

WHEREFORE, PLAINTIFF prays for judgment against THOMAS and the CITY, and each of them, in an amount which will fully and fairly compensate PLAINTIFF for damages suffered.

**COUNT V**  
**THOMAS and the CITY for PERMITTING a WIDESPREAD,  
PERSISTENT PATTERN of UNCONSTITUTIONAL CONDUCT**

645. Plaintiff hereby incorporates and re-alleges Paragraphs one (1) through six hundred and forty-three (643) as and for Paragraph 644 of Count V.

646. At all relevant times, including July 16, 2008, there existed at the LRPD a continuing, widespread, persistent pattern of unconstitutional misconduct by LRPD officers. This pattern of unconstitutional misconduct included, *inter alia*:

- a) Improper, unwarranted uses of deadly force committed by LRPD officers in the field;
- b) Excessive force committed by LRPD officers in the field;
- c) Improper, illegal warrantless searches committed by LRPD officers in the field; and
- d) Improper, biased internal investigations of police-involved shootings performed by LRPD officers.

647. At all relevant times, THOMAS and the CITY, and each of them, exhibited a deliberate indifference to, or tacit authorization of, this pattern of misconduct despite notice of same to THOMAS and the CITY, and each of them.

648. This pattern of police misconduct was so pervasive as to constitute a “custom” with the force of law.

649. This custom was the moving force behind the violations of COLLIN’s constitutional rights committed by C. HASTINGS, WOODALL and FORD, and each of them, and proximately caused COLLIN’S personal injuries, great pain and death. The custom

described above also proximately caused a deprivation of the rights, privileges and immunities secured to PLAINTIFF and COLLIN's beneficiaries by the Fourth, Fifth and Fourteenth Amendments to the United States Constitution, including due process, and laws enacted thereunder.

650. As a result of the customs described above, COLLIN was subjected to excessive force and caused to die and, as a result, THOMAS and the CITY is liable to Plaintiff in damages under 42 U.S.C. § 1983, including loss of life, loss of liberty interest, conscious pain and suffering and punitive damages.

WHEREFORE, PLAINTIFF prays for judgment against THOMAS and the CITY, and each of them, in an amount which will fully and fairly compensate PLAINTIFF for damages suffered.

**COUNT VI**  
**C. HASTINGS, WOODALL, FORD, SIMON, THOMAS and others for**  
**CIVIL CONSPIRACY in Violation of Arkansas State Law**

651. PLAINTIFF hereby incorporates and re-alleges Paragraphs one (1) through six-hundred and forty-nine (649) as and for Paragraph 650 of Count VI.

652. On July 16, 2008, and all relevant times, THOMAS, as the LRPD final policymaker and chief of police, had a personal interest in the promoting a positive image for the LRPD and his officers in the public sphere, and protecting the reputation of himself and his officers.

653. In 2008, and for years prior thereto, THOMAS allowed, promoted and/or participated in various conspiratorial cover-ups of police misconduct, improper arrest and excessive force, wherein material facts and information were concealed for the purpose of exonerating LRPD officers guilty of police misconduct and excessive force for the personal



benefit of THOMAS and various LRPD officers, including those guilty of police misconduct, improper arrest and excessive force, and those investigating instances said misconduct.

654. On July 16, 2008, and at all relevant times, THOMAS also sought to protect his friend and colleague of many years, Lt. Hastings, as well as Lt. Hastings' family employed by LRPD and the CITY which include C.HASTINGS, Ronnie Hastings, Jason Roberts and Josh Hastings.

655. In 2008, THOMAS was aware of historical violations of the Constitution, Arkansas law and LRPD General Orders/Rules and Regulations committed by LRPD officers, including C. HASTINGS, WOODALL, FORD, SIMON and other officers during the attempted arrest and shooting of COLLIN and the subsequent investigation thereof.

656. That THOMAS' personal interest to keep the public from knowing the true facts which led to the shooting of COLLIN for fear of embarrassment upon himself and the LRPD generally, as well as his fear of criminal prosecution of his officers, was well known to, and shared by, C. HASTINGS, WOODALL, FORD, SIMON, and the individuals who investigated the matter, specifically, Hudson, Ray, Gasaway, Lundy, Knowles, Leshner, the LRPD Internal Affairs Division and the Deadly Force Review Board.

657. That THOMAS, C. HASTINGS, WOODALL, FORD, SIMON, and certain individuals at the LRPD, specifically Hudson, Ray, Gasaway, Lundy, Knowles, Leshner, the LRPD Internal Affairs Division and the Deadly Force Review Board, discussed a variety of means to cover up the facts surrounding the attempted arrest and shooting of COLLIN and agreed to endeavor to conceal the facts by various unlawful means.

658. Alternatively, THOMAS' personal interests were historically well-known to all individuals at the LRPD, and were shared by C. HASTINGS, WOODALL, FORD, SIMON,

Hudson, Ray, Gasaway, Lundy, Knowles, Leshner, the LRPD Internal Affairs Division and the Deadly Force Review Board, and therefore discussion regarding same was not necessary to initiate the process of concealing the facts and evidence in the matter.

659. In furtherance of this unlawful agreement, THOMAS, C. HASTINGS, WOODALL, FORD, SIMON, certain Detective Division investigators and city employees and each of them, including Hudson, Ray, Gasaway, Lundy, Knowles, Leshner, the LRPD Internal Affairs Division and the Deadly Force Review Board, committed overt, continuing acts in pursuit of the same objective by common means, through their mutual planning, suggestion, assistance and encouragement and under the direction of THOMAS, such as, *inter alia*:

- a) allowance of an historical code of silence following police misconduct, said code of silence being generally known to LRPD officers, and which prevents particular incriminatory facts from being revealed to LRPD officers and the public at large;
- b) initiating an internal investigation of the shooting of COLLIN rather than requesting an Arkansas State Police or other external investigation;
- c) initiating an internal investigation of the shooting of COLLIN rather than requesting an Arkansas State Police or other external investigation despite the fact that high-ranking official Lt. HASTINGS is the uncle of one of the shooters, C. HASTINGS;
- d) allowing Lt. Hastings to become personally involved in the matter when he knew Lt. Hastings was related by blood to one of the shooters, C. HASTINGS;
- e) authorizing the public dissemination of false information about the incident in order to make the actions of C. HASTINGS, WOODALL, FORD, SIMON and the other involved officers seem reasonable to the public;
- f) failing to discipline C. HASTINGS, WOODALL, FORD and SIMON for violations of GOs so as not to raise "red

flags” and so as to be consistent with the false statements provided to the public;

- g) failing to provide the Prosecuting Attorney’s Office with relevant, material evidence that tended to incriminate C. HASTINGS, WOODALL, FORD and SIMON;
- h) withholding and concealing from the public hard evidence wherein a witness to the shooting claims that COLLIN was pinned to the ground with his hands behind his back when he was shot;
- i) altering, damaging or modifying video/audio recordings of the attempted arrest and shooting of COLLIN in order to protect C. HASTINGS, WOODALL, FORD and SIMON from criminal prosecution and internal discipline;
- j) failing to address the fact of the statements contained in video/audio recordings during the Detective Division and Internal Affairs Division questioning of C. HASTINGS, WOODALL, FORD, SIMON and other witnesses to the attempted arrest and shooting of COLLIN;
- k) failing to investigate or address how certain video/audio recordings became defective, altered, damaged or modified;
- l) questioning witnesses in a manner which was intended to stifle any facts which were incriminatory against C. HASTINGS, WOODALL, FORD and SIMON, concealing the truth of what occurred when COLLIN was shot and concealing pertinent facts that were damaging to C. HASTINGS, WOODALL, FORD, SIMON, THOMAS and the CITY;
- m) failing to investigate the propriety of basis and the method of arresting COLLIN; and
- n) allowing highly questionable investigation techniques which downplayed or eliminated facts that tended to incriminate C. HASTINGS, WOODALL, FORD and SIMON.

660. The goal of the overt acts and omissions described above was to accomplish an unlawful and/or oppressive purpose by unlawful, oppressive and/or immoral means, namely the

exoneration of officers guilty of police misconduct and criminal acts, possibly criminal homicide, for their own personal benefit.

661. The historical customs described above also proximately caused injuries to PLAINTIFF and COLLIN's beneficiaries, insofar as they created a climate in which LRPD officers were more inclined to commit police misconduct, including the killing of COLLIN. Further, these customs caused further injury to Plaintiff and COLLIN's beneficiaries, and compromised PLAINTIFF's right to redress for the killing of COLLIN, said customs continuing to this day.

662. By reason of the civil conspiracy committed by the aforesaid individuals, COLLIN suffered pain and suffering, and was killed. Further, PLAINTIFF and COLLIN's beneficiaries have incurred pecuniary damages and severe mental anguish.

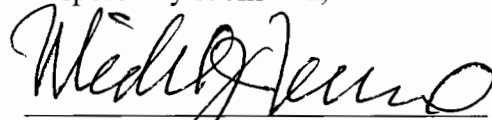
WHEREFORE, PLAINTIFF prays for judgment against C. HASTINGS, WOODALL, FORD, SIMON, THOMAS and the CITY, and each of them, in an amount which will fully and fairly compensate PLAINTIFF for damages suffered.

WHEREFORE, Plaintiff, MICHAEL SPRADLING, by and through his attorneys, requests judgment against the defendants and each of them:

1. That defendants be required to pay PLAINTIFF's compensatory damages;
2. That defendants be required to pay economic and non-economic damages, including but not limited to loss of life, loss of society, loss of services, loss of liberty interest and mental anguish;
3. That C. HASTINGS, WOODALL, FORD, and THOMAS be required to pay punitive damages;
4. That C. HASTINGS, WOODALL, FORD, THOMAS and the CITY be required to pay reasonable attorney fees per 42 U.S.C. § 1988; and

5. That PLAINTIFF receive any other such relief as this Honorable Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Laux", written over a horizontal line.

Michael J. Laux

E. Dist. Arkansas Bar No. 6278834

One of the Attorneys for PLAINTIFF

Walkup, Melodia, Kelly & Schoenberger

650 California Street, 26<sup>th</sup> Floor

San Francisco, CA 94108

Telephone: (415) 981-7210

Facsimile: (415) 391-6965

E-mail: [mlaux@walkuplawoffice.com](mailto:mlaux@walkuplawoffice.com)

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**MICHAEL SPRADLING, as Personal Representative  
of the Estate of WILLIAM COLLIN SPRADLING,  
deceased**

**PLAINTIFF**

**V. 4:12CV00693 JMM**

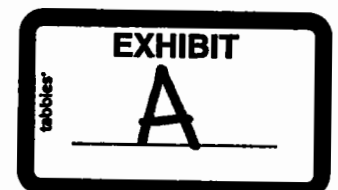
**CLAY HASTINGS, MICHAEL FORD, FREDERICK  
“STEVE” WOODALL and AARON SIMON,  
Individually and in their Official Capacities**

**DEFENDANTS**

**ORDER GRANTING DISMISSAL WITHOUT PREJUDICE**

Pending is Plaintiff’s motion for voluntary dismissal without prejudice. (Docket #58). “Motions to dismiss without prejudice are addressed to the sound discretion of the district courts.” *Kern v. TXO Production Corp.*, 738 F.2d 968, 970 (8<sup>th</sup> Cir. 1984). “The general practice of the federal courts is to permit voluntary dismissal, ‘unless the defendant will suffer some plain legal prejudice other than the mere prospect of a second lawsuit.’” *St. Paul Fire and Marine Ins. Co. v. Casualty Reciprocal Exchange*, 118 F.R.D. 480, 483 (W.D. Ark. 1987) (quoting 9 Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2364 at 165 (1971)). Rule 41(a)(2) gives the court discretion to order the dismissal “on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2).

After considering the factors identified in *Paulucci v. City of Duluth*, 826 F.2d 780 (8<sup>th</sup> Cir. 1987), the Court finds that Plaintiff’s motion should be granted. However, if Plaintiff should re-file this action, he may be required to pay costs and attorneys fees

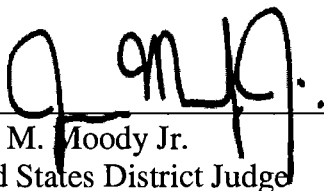


associated with the defense of this action which are duplicated in the re-filed action. Fed.

R. Civ. P. 41(d)(1).

The clerk is directed to close the case.

IT IS SO ORDERED this 24<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
James M. Moody Jr.  
United States District Judge

Division:13 Book:27  
Page:416

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS**

**IN THE MATTER OF THE ESTATE OF  
WILLIAM COLLIN SPRADLING, DECEASED**

FILED 07/25/2008 13:45:12  
Patricia B. Pollock, Circuit Clerk  
CR2 By 102

**ORDER APPOINTING SPECIAL CO-ADMINISTRATORS**

On this 13<sup>th</sup> day of JUL 25 2008, 2008, is presented to the Court the Petition of Michael Spradling and Judith Spradling for appointment of a Special Co-Administrators of the estate of William Collin Spradling, deceased for the limited purpose of performing any and all acts necessary to investigate, and, if warranted, prosecute a wrongful death claim relative to the circumstances surrounding the death of William Collin Spradling, which occurred on or about July 16, 2008, and upon consideration of such petition, and the facts and evidence in support thereof, the Court finds:

1. Special Co-Administrators of the estate would be proper and should be appointed for the decedent hereunder named, whose date of birth, sex and address are set forth opposite the decedent's name:

<u>NAME</u>	<u>DOB</u>	<u>SEX</u>	<u>ADDRESS</u>
Williams Collin Spradling	12/27/1982	M	4104 Seminole Trail Sherwood, AR 72120

2. On the 16th day of July, 2008, William Collin Spradling suffered fatal injuries as a result of an incident in Pulaski County, Arkansas, and died on July 16, 2008, intestate.

3. There is no court appointed Special Co-Administrators of the estate of William Collin Spradling, deceased.

4. The employment contract which was entered into between Petitioners, Michael Spradling and Judith Spradling, and Law Offices of Gary Green, 1001 La Harpe

EXHIBIT

**B**



Boulevard, Little Rock, Arkansas 72201, as attorney, to represent the Special Co-Administrators of the estate of William Collins Spradling, deceased, is customary according to the customs and usages of the legal community, and the compensation to be paid to the attorney involved in this matter is reasonable and necessary in order to pursue this matter.

5. That no part of the wrongful death recovery shall be subject to the debts of the deceased or become, in any way, a part of the assets of the estate of the deceased person.

IT IS THEREFORE CONSIDERED, ORDERED and ADJUDGED that the Petition for appointment of Special Co-Administrators of the estate of William Collin Spradling be, and hereby is, granted; Michael Spradling and Judith Spradling are appointed Special Co-Administrators of the estate of William Collin Spradling, deceased for the limited purpose of performing any and all acts necessary to investigate, and, if warranted, to pursue a wrongful death claim relative to the circumstances surrounding the death of William Collin Spradling, which occurred on or about July 16, 2008; and that the employment contract requested in the petition between Petitioners, Michael Spradling and Judith Spradling, and Law Offices of Gary Green is hereby approved. Letters of Administration shall be issued without bond until assets are received.

IT IS SO ORDERED.

  
\_\_\_\_\_  
CIRCUIT JUDGE

DATE: JUL 25 2008

# **LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG**

INVESTIGATIVE  
ORIGINAL

Incident # 2007-Date 10-30-07

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: Old Forge & Brandywine to Old Forge & Coppersmith

Type of Crime: \_\_\_\_\_

<u>S. Ragan</u> First Responding Officer	<u>29130</u> Emp. #	<u>0450</u> Time of Entry	<u>          </u> Time of Exit
<u>Lt. King</u> Detective Supervisor in Charge	<u>7855</u> Emp. #	<u>0511</u> Time of Entry	<u>          </u>

## **MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Sgt. Mc Vay</u>	<u>18328</u>	<u>Containment</u>	<u>0450</u>	<u>          </u>
<u>E. Temple</u>	<u>          </u>	<u>"</u>	<u>"</u>	<u>0507</u>
<u>J. Neuffer</u>	<u>27104</u>	<u>"</u>	<u>"</u>	<u>0507</u>
<u>Caplinger</u>	<u>          </u>	<u>"</u>	<u>"</u>	<u>0507</u>
<u>S. Leavy</u>	<u>25300</u>	<u>"</u>	<u>"</u>	<u>0507</u>
<u>C. O'Kelley</u>	<u>          </u>	<u>"</u>	<u>"</u>	<u>0507</u>
<u>Sgt. Godwin</u>	<u>16697</u>	<u>D.O</u>	<u>0508</u>	<u>          </u>
<u>Capt. Temple</u>	<u>11158</u>	<u>          </u>	<u>0511</u>	<u>          </u>
<u>Tracy</u>	<u>15552</u>	<u>C.S.</u>	<u>0512</u>	<u>          </u>
<u>Det. Phillips</u>	<u>15920</u>	<u>D.O</u>	<u>0519</u>	<u>          </u>
<u>Mollette</u>	<u>28849</u>	<u>C.S.</u>	<u>0521</u>	<u>          </u>
<u>Lt. Timmons</u>	<u>          </u>	<u>          </u>	<u>0515</u>	<u>          </u>

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

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# **LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG**

INVESTIGATIVE  
ORIGINAL

Incident # 2007-Date 10-30-07

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: Old Forge & Brandywine to Old Forge & Copper Smith

Type of Crime: \_\_\_\_\_

S. Ragan 29130 \_\_\_\_\_  
First Responding Officer Emp. # Time of Entry Time of Exit

Lt. King 7855 \_\_\_\_\_  
Detective Supervisor in Charge Emp. # Time of Entry

## **MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Sullivan</u>	<u>10714</u>	<u>D.O.</u>	<u>0532</u>	
<u>Capt. Bewley</u>	<u>12565</u>	<u>D.O.</u>	<u>0535</u>	
<u>Capt. Robertson</u>	<u>14499</u>		<u>0541</u>	
<u>Ray</u>	<u>10394</u>	<u>D.O.</u>	<u>0544</u>	
<u>Knowles</u>	<u>11492</u>	<u>D.O.</u>	<u>0544</u>	
<u>White</u>	<u>17448</u>	<u>D.O.</u>	<u>0549</u>	
<u>Sgt. Arnold</u>	<u>9219</u>		<u>0600</u>	
<u>John Johnson</u>		<u>Prosecutors Off.</u>	<u>0602</u>	
<u>Kim Wilson</u>		<u>"</u>	<u>0602</u>	
<u>K. King</u>	<u>13180</u>	<u>I.A.</u>	<u>0607</u>	
<u>Thomas</u>	<u>1566</u>	<u>C.S.</u>	<u>0611</u>	
<u>Zomaya</u>	<u>30265</u>	<u>C.S.</u>	<u>0611</u>	

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

# **LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG**

INVESTIGATIVE  
ORIGINAL

Incident # 2007-Date 10-30-07

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: Old Forge + Brandywine to Old Forge + Copper Smith

Type of Crime: \_\_\_\_\_

<u>S. Ragan</u>	<u>24130</u>	_____	_____
First Responding Officer	Emp. #	Time of Entry	Time of Exit

<u>Lt. King</u>	<u>7855</u>	_____	_____
Detective Supervisor in Charge	Emp. #	Time of Entry	

## **MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Larry Jegley</u>	_____	<u>Prosecuting Atty.</u>	<u>0613</u>	<u>0624</u>
<u>Brasaway</u>	<u>19356</u>	<u>D.O.</u>	<u>0619</u>	_____
<u>Lt. Hastings</u>	<u>5874</u>	<u>P.I.O.</u>	<u>0626</u>	_____
<u>Chief Rowan</u>	_____	<u>Chief</u>	<u>0630</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Officer (if different than originating officer) Emp. # \_\_\_\_\_

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Crime Scene Specialist Emp. # \_\_\_\_\_

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# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

Incident # 26-77942Date 7/1/06

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 2425 W. 12<sup>th</sup> / 2426 W. 13<sup>th</sup>Type of Crime: Shooting

Off. Dennis Hutchins      21413      2150      2200  
First Responding Officer      Emp. #      Time of Entry      Time of Exit

Capt. Sylvester      5417      2222  
Detective Supervisor In Charge      Emp. #      Time of Entry

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Rich Satter</u>	<u>DEA 6301</u>	<u>Responding Ofc.</u>	<u>2200</u>	<u>2215</u>
<u>Sgt. Stephens</u>	<u>10519</u>	<u>Supervisor</u>	<u>2200</u>	<u>2245</u>
<u>Det. Kindervander</u>	<u>10468</u>	<u>D.O.</u>	<u>2215</u>	<u>2248</u>
<u>Det. Fallett</u>	<u>19361</u>	<u>D.O.</u>	<u>2215</u>	<u>2248</u>
<u>Sgt. Bantch</u>	<u>11551</u>	<u>Supervisor</u>	<u>2200</u>	<u>2248</u>
<u>Off. Yang</u>		<u>Responding Ofc.</u>	<u>2200</u>	<u>2215</u>
<u>Off. Ison</u>	<u>26264</u> <u>27416</u>	<u>Responding Ofc.</u>	<u>2200</u>	
<u>Off. Williams</u>	<u>21116</u>	<u>Perimeter</u>	<u>2215</u>	
<u>Det. C. King</u>	<u>7855</u>	<u>D.O. Supervisor</u>	<u>2215</u>	
<u>Det. Phillips</u>				
<u>Capt. Sylvester</u>	<u>15290</u>	<u>D.O.</u>		<u>2250</u>
<u>Sgt. Leaser</u>	<u>15101</u>	<u>D.O.</u>	<u>2222</u>	<u>2230</u>
<u>Sgt. Quattleb</u>	<u>5413</u>	<u>D.O.</u>	<u>2245</u>	<u>2250</u>

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

Incident # 06-77942 2150Date 7/1/06

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 2425 W. 12<sup>th</sup> / 2426 W. 13<sup>th</sup>Type of Crime: Shooting

Dennis Hutchins 21413 2150 2200  
First Responding Officer Emp. # Time of Entry Time of Exit

Capt. Sylvester 4517 2222  
Detective Supervisor In Charge Emp. # Time of Entry

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Sgt. Grogan</u>	<u>11144</u>	<u>Supervisor</u>	<u>2200</u>	<u>2245</u>
<u>Lt. Hudson</u>	<u>3501</u>	<u>Supervisor</u>	<u>2200</u>	<u>2245</u>
<u>Lt. King</u>	<u>15708</u>	<u>Supervisor</u>	<u>2200</u>	<u>2245</u>
<u>Lockert</u>		<u>MEMS</u>	<u>2215</u>	<u>2240</u>
<u>Henderson</u>		<u>MEMS</u>	<u>2215</u>	<u>2240</u>
<u>Chris Smith</u>	<u>12552</u>	<u>LRFD</u>	<u>2210</u>	<u>2245</u>
<u>Jason Langston</u>	<u>24488</u>	<u>LRFD</u>	<u>2210</u>	<u>2245</u>
<u>Darryl Fason</u>	<u>26101</u>	<u>LRFD</u>	<u>2210</u>	<u>2245</u>
<u>Beasley</u>	<u>15689</u>	<u>Responding Ofc.</u>	<u>2200</u>	<u>2240</u>
<u>Beckwith</u>	<u>27806</u>	<u>Responding Ofc.</u>	<u>2200</u>	<u>2205</u>
<u>Sevson</u>	<u>27104</u>	<u>Responding Ofc.</u>	<u>2200</u>	<u>2205</u>
<u>El-Amin</u>		<u>Responding Ofc.</u>	<u>2200</u>	<u>2205</u>

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

Incident # 06-77942Date 7/1/06

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 2425 W 12<sup>th</sup> / 2426 W. 13<sup>th</sup>Type of Crime: Shooting

<u>Off. Dennis Hutchins</u>	<u>21413</u>	<u>2150</u>	<u>2200</u>
First Responding Officer	Emp. #	Time of Entry	Time of Exit

<u>Capt. Sylvester</u>	<u>4517</u>	<u>2222</u>	
Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Holt</u>	<u>18781</u>	<u>Perimeter / Weapon</u>	<u>2215</u>	
<u>Sgt. Hankens</u>	<u>5821</u>	<u>P.T.O.</u>	<u>2251</u>	
<u>Chief Thomas</u>	<u>8188</u>	<u>Chief</u>	<u>2251</u>	
<u>Off. Simmons</u>	<u>23699</u>	<u>Crime Scene Log</u>	<u>2154</u>	

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Crime Scene Specialist Emp. #

# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

Incident # 2006Date 08-22-06

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: Gilliam ParkType of Crime: Aggravated Assault

M. Goodlow 27094 2030 2210  
First Responding Officer Emp. # Time of Entry Time of Exit

\_\_\_\_\_  
Detective Supervisor In Charge Emp. # Time of Entry

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>D. Green</u>	<u>17257</u>	<u>Vehicle in pursuit</u>	<u>2030</u>	<u>2210</u>
<u>M. Ford</u>	<u>22667</u>	<u>Vehicle in pursuit</u>	<u>2030</u>	<u>2059</u>
<u>J. King</u>	<u>24507</u>	<u>Vehicle in pursuit</u>	<u>2030</u>	<u>2210</u>
<u>M. Goodlow</u>	<u>27094</u>	<u>Vehicle in pursuit</u>	<u>2030</u>	<u>2210</u>
<u>Lt. D. Jackson</u>	<u>13242</u>	<u>Investigation</u>	<u>2035</u>	<u>2114</u>
<u>S. Montgomery</u>	<u>27103</u>	<u>Vehicle in pursuit</u>	<u>2030</u>	<u>2210</u>
<u>Det. Hopper</u>	<u>14366</u>	<u>Investigation</u>	<u>2050</u>	<u>2114</u>
<u>Lt. King</u>	<u>7855</u>	<u>Investigation</u>	<u>2055</u>	<u>2114</u>
<u>Sgt. Quattlebaum</u>	<u>5413</u>	<u>Investigation</u>	<u>2055</u>	<u>2114</u>
<u>Capt. Bruley</u>	<u>12565</u>	<u>Investigation</u>	<u>2101</u>	<u>2114</u>
<u>Sgt. Arnold</u>	<u>9219</u>	<u>Investigation</u>	<u>2101</u>	<u>2114</u>
<u>Tam Carpenter City Attorney</u>		<u>Investigation</u>	<u>2104</u>	<u>2114</u>

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #



# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

Incident # 2006-Date 08-22-06

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: Gillian ParkType of Crime: Aggravated Assault

<u>M. Gooden</u>	<u>27094</u>		
First Responding Officer	Emp. #	Time of Entry	Time of Exit

Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Lt. Brewer</u>	<u>14496</u>	<u>Investigation</u>	<u>2107</u>	<u>2114</u>
<u>Chief Boland</u>	<u>4415</u>	<u>Investigation</u>	<u>2107</u>	<u>2114</u>
<u>Smith</u>	<u>26065</u>	<u>Crime Scene</u>	<u>2135</u>	
<u>Steen</u>	<u>14949</u>	<u>Crime Scene</u>	<u>2135</u>	

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Crime Scene Specialist Emp. #

**LITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOG**

Incident # 06-106083Date 9.3.06INVESTIGATIVE  
ORIGINAL

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 36<sup>th</sup> AND WALKERType of Crime: OFFICER INVOLVED SHOOTING

<u>Stephanie Berlin</u>	<u>OK93</u>	
First Responding Officer	Emp. #	Time of Entry
<u>Allen Quinterman</u>	<u>5413</u>	<u>0845</u>
Detective Supervisor In Charge	Emp. #	Time of Entry

**MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
* <u>BERTHA</u>	<u>17665</u>	<u>PRIMARY</u>	<u>0803</u>	<u>0810</u>
* <u>HARPER</u>	<u>18179</u>	<u>PRIMARY</u>	<u>0803</u>	<u>0810</u>
<u>M. SANDERS</u>	<u>21340</u>	<u>ASSIST</u>	<u>0804</u>	<u>0810</u>
<u>J. LOBANKS</u>	<u>15694</u>	" "	<u>0804</u>	<u>0830</u>
<u>D. BLACKMON</u>	<u>16169</u>	" "	<u>0804</u>	<u>0810</u>
<u>J. LOVE LACE</u>	<u>20404</u>	" "		
<u>CARR</u>	<u>17669</u>	" "		
<u>NEIHOUSE</u>				
<u>STARAT</u>		" "		
<u>CPT. WALKER (L.R.F.D.)</u>	<u>15675</u>	<u>ASSIST</u>	<u>0812</u>	<u>0820</u>
<u>Chris Sanders (L.R.F.D.)</u>	<u>22707</u>	<u>ASSIST</u>	<u>0812</u>	<u>0820</u>
<u>Sgt. Sanford (L.R.F.D.)</u>	<u>24483</u>	<u>ASSIST</u>	<u>0812</u>	<u>0820</u>

Log Relinquished to: OFC. Ridgell 17441 Date & Time: 9-3-06 0820  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

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# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

INVESTIGATIVE  
ORIGINAL

Incident # 06-106083

Date 9-3-06

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 36th and Wylie

Type of Crime: Officer Involved Shooting

<u>OFC. Benthia</u>	<u>0803</u>		
First Responding Officer	Emp. #	Time of Entry	Time of Exit
<u>Det. Sgt. Quattman</u>	<u>5413</u>	<u>0845</u>	
Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Sgt. Glickman</u>	<u>15631</u>	<u>Sup. Scene</u>	<u>0820</u>	<u>1050</u>
<u>D. Young (Mems)</u>	<u>22817</u>	<u>Assist.</u>	<u>0812</u>	<u>0820</u>
<u>Patrice Dwyall (Mems)</u>		<u>Assist.</u>	<u>0812</u>	<u>0820</u>
<u>Capt. Faulk</u>	<u>15695</u>	<u>Assist.</u>	<u>0830</u>	<u>0845</u>
<u>Sgt. Lucka</u>	<u>11949</u>	<u>Det. Division</u>	<u>0831</u>	<u>1020</u>
<u>Det. Knowles</u>	<u>20372</u>	<u>Det. Division</u>	<u>0832</u>	<u>0833</u>
<u>LT. F. Hastings</u>	<u>5874</u>	<u>Assist.</u>	<u>0833</u>	<u>0954</u>
<u>Det. Fred Lee</u>	<u>15627</u>	<u>Det. Division</u>	<u>0837</u>	<u>0845</u>
<u>S. Simmons</u>	<u>23659</u>	<u>Assist.</u>	<u>0845</u>	<u>0855</u>
<u>Det. Sgt. Quattman</u>	<u>5413</u>	<u>Det. Division</u>	<u>0845</u>	<u>1015</u>
<u>Christ Higgins</u>	<u>11420</u>	<u>Assist.</u>	<u>0845</u>	<u>0900</u>
<u>Det. T. Hudson</u>	<u>11997</u>	<u>Detective Div</u>	<u>0845</u>	<u>1015</u>

Log Relinquished to: OFC. Ridgell 17441 Date & Time: 9-3-06 0820  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

INVESTIGATIVE  
ORIGINALLITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOGIncident # 06-106083

Date \_\_\_\_\_

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 36<sup>th</sup> & Walker St. Lt.Type of Crime: Officer Involved shooting

<u>Off. Brathia</u>	<u>0803</u>	
First Responding Officer	Emp. #	Time of Entry
<u>Det. Sgt. Quortham</u>	<u>5413</u>	<u>0845</u>
Detective Supervisor In Charge	Emp. #	Time of Entry

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Smith</u>	<u>26065</u>	<u>CSSU</u>	<u>0850</u>	
<u>Tracy</u>	<u>15552</u>	<u>CSSU</u>	<u>0850</u>	
<u>Det. Simpson</u>	<u>14494</u>	<u>Det. Division</u>	<u>0851</u>	<u>1020</u>
<u>Bobby Thomas</u>	<u>1506</u>	<u>CSSU</u>	<u>0851</u>	
<u>Sgt. Burt</u>	<u>18178</u>	<u>Asst. St.</u>	<u>0855</u>	<u>0910</u>
<u>Det. Phillips</u>	<u>15290</u>	<u>Det. Division</u>	<u>0857</u>	<u>1015</u>
<u>Capt. Barch</u>	<u>5328</u>	<u>Asst. St.</u>	<u>0900</u>	<u>0915</u>
<u>Chief Rowan</u>	<u>4515</u>	<u>Asst. St.</u>	<u>0907</u>	<u>0950</u>
<u>Lt. Temple</u>	<u>11158</u>	<u>Asst. St.</u>	<u>0907</u>	<u>0915</u>
<u>Lt. O'Reilly</u>	<u>5264</u>	<u>Asst. St.</u>	<u>0907</u>	<u>1016</u>
<u>Det. Moore</u>	<u>113997</u>	<u>Det. Division</u>	<u>0915</u>	<u>1020</u>
<u>T. Carpenter</u>	<u>2/1</u>	<u>City Attorney</u>	<u>0915</u>	<u>0930</u>

Log Relinquished to: Off. Rickel 17441 Date & Time: 9-3-06 0820  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

**LITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOG**

**INVESTIGATIVE  
ORIGINAL**

Incident # 06 106083Date 9-3-06

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 36<sup>th</sup> & Ash WalkerType of Crime: Officer Involved Shooting

<u>OFC. Benthin</u>	Emp. #	Time of Entry	Time of Exit
First Responding Officer			
<u>Det. Sgt. Quateman</u>	<u>9113</u>	<u>0845</u>	
Detective Supervisor In Charge	Emp. #	Time of Entry	

**MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Dimon</u>	<u>2040</u>	<u>ISSU</u>	<u>0920</u>	
<u>LT. King</u>	<u>7855</u>	<u>Det. Division</u>	<u>0928</u>	<u>1015</u>
<u>MARK Malcolm</u>	<u>760</u>	<u>Pub. Com. Center</u>	<u>0930</u>	<u>1015</u>
<u>Tim Irizarry</u>	<u>762</u>	<u>" " "</u>	<u>0930</u>	<u>1015</u>
<u>Chief <del>Thomas</del></u>	<u>7188</u>	<u>Asst.</u>	<u>0930</u>	<u>0942</u>
<u>Chaplin Jackson</u>	<u>N/A</u>	<u>Asst.</u>	<u>0940</u>	<u>0941</u>
<u>Pres. Attorney Johnson</u>	<u>N/A</u>	<u>Det. of.</u>	<u>0942</u>	<u>0951</u>
<u>Tracey Campbell I.A.</u>	<u>11755</u>	<u>Internal Affairs</u>	<u>0900</u>	<u>0901</u>
<u>Pedro Ramirez</u>	<u>N/A</u>	<u>Duron of the Church</u>	<u>0935</u>	<u>0943</u>
<u>OFC. McGuire</u>	<u>15553</u>	<u>Asst.</u>	<u>1010</u>	<u>1020</u>
<u>Sgt. Hanky</u>	<u>11941</u>	<u>Vehicle Pickup</u>	<u>1100</u>	<u>1101</u>

Log Relinquished to: OFC. [Signature] 174/1 Date & Time: 9-3-06 0820  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

INVESTIGATIVE  
ORIGINALLITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOGIncident # 06-106083Date 9-3-06

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 36th & Walker St. L.R.Type of Crime: Officer Involved Shooting

<u>Off. Little</u>	<u>Emp. #</u>	<u>0803</u>	<u>Time of Exit</u>
First Responding Officer		Time of Entry	
<u>Det. Sgt. Quackenbush</u>	<u>5413</u>	<u>0845</u>	
Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Off. Little</u>	<u>14471</u>	<u>Vehicle Pick up.</u>	<u>1100</u>	<u>1101</u>
<u>Off. Purifoy</u>	<u>26135</u>	<u>Vehicle Pick up.</u>	<u>1116</u>	<u>1120</u>
<u>Off. Wilson</u>	<u>27117</u>	<u>Vehicle Pick up</u>	<u>1116</u>	<u>1120</u>
<u>Off. Hagala</u>	<u>28161</u>	<u>Assist.</u>	<u>1117</u>	

Log Relinquished to: Off. Biedel 17441 Date & Time: 9-3-06 0820  
 Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Crime Scene Specialist Emp. #

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**LITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOG**

Incident # 07-28597Date 3-13-07

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 606 BROADWAY

INVESTIGATIVE  
ORIGINAL

Type of Crime: SHOOTING JUST OCCURRED

<u>A. SMITH</u>	<u>26285</u>	<u>2336</u>	<u>02</u>
First Responding Officer	Emp. #	Time of Entry	Time of Exit
<u>DET LESHER</u>	<u>11994</u>	<u>2340</u>	
Detective Supervisor In Charge	Emp. #	Time of Entry	

**MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>JOHNSON</u>	<u>11707</u>	<u>Responding off.</u>	<u>2334</u>	<u>2339</u>
<u>MEMS</u>	<u>1WK</u>	<u>Responding</u>	<u>2337</u>	<u>2341</u>
<u>FIRE DEPT.</u>	<u>UNIC</u>	<u>Responding</u>	<u>2337</u>	<u>2341</u>
<u>TANKER LEBY</u>	<u>15089</u>	<u>Responding off.</u>	<u>2334</u>	
<u>FORD (DET.)</u>	<u>22667</u>	<u>DET.</u>	<u>2340</u>	<u>2343</u>
<u>MORENO</u>	<u>10668</u>	<u>Responding off</u>	<u>2339</u>	<u>0030</u>
<u>TEMPE</u>	<u>29124</u>	<u>Responding off.</u>	<u>2339</u>	
<u>SMITH</u>	<u>26065</u>	<u>CRIME SCENE</u>	<u>2343</u>	
<u>DET LESHER</u>	<u>11994</u>	<u>DET</u>	<u>2340</u>	
<u>LT KING</u>	<u>7895</u>	<u>LT</u>	<u>2345</u>	<u>0200</u>
<u>DET PHILLIPS</u>	<u>15290</u>	<u>DET.</u>	<u>2347</u>	
<u>SIMPSON (DET.)</u>	<u>14294</u>	<u>DET.</u>	<u>2347</u>	

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: PELLONAY 14505 Date & Time: 3-14-07-0727  
Crime Scene Specialist Emp. #

# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

Incident # 07-28597Date 3-13-07

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 6006 Daisey Bates

INVESTIGATIVE  
ORIGINAL

Type of Crime: SHOOTING JUST OCCURRED

A. Smith 26255 2536 \_\_\_\_\_  
First Responding Officer Emp. # Time of Entry Time of Exit

DET. LESTER 11994 2340 \_\_\_\_\_  
Detective Supervisor In Charge Emp. # Time of Entry

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
DET HUDSON	11997	DET.	0030	
Capt Finks	13206	CAPTAIN	0035	0050
Ray	10394	DET	0045	
Ward Jr.	26258	OFFICER	0039	
LT OKEBY	5264	CRIME SCENE	0045	
Holloway	14505	CRIME SCENE	0050	
Singleton	763	CORNER	0100	0222
Campbell		CORNER	0135	0222
Chief Rowan	4515	CHIEF	0145	0200
Capt BENVILLE	13565	CAPTAIN	0200	0220

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: Holloway 14505 Date & Time: 3-14-07 0227  
Crime Scene Specialist Emp. #



# **LITTLE ROCK POLICE DEPARTMENT** **CRIME SCENE CONTROL LOG**

INVESTIGATIVE  
ORIGINAL

Incident # 2008-93435 1149

Date 08-13-2008

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 1300 W. Capitol

Type of Crime: Shooting

<u>Starratt</u>	<u>18200</u>	<u>1153</u>	
First Responding Officer	Emp. #	Time of Entry	Time of Exit
<u>Lt. King</u>	<u>7855</u>	<u>1205</u>	
Detective Supervisor in Charge	Emp. #	Time of Entry	

**MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Lt Spear</u>	<u>18725</u>			
<u>Otc Starratt</u>	<u>18200</u>			
<u>Sgt Lasher</u>	<u>11449</u>			
<u>Det follett</u>	<u>19361</u>			
<u>Det Sullivan</u>	<u>10714</u>			
<u>MEMS Unit</u>	<u>129 w/supervisor</u>			
<u>LRPD Eng #1</u>				
<u>Kirk Lane Capt</u>	<u>PCSD</u>			
<u>Lt King</u>	<u>7855</u>			
<u>P10</u>	<u>5874 / 19371</u>			
<u>CSSU</u>	<u>15552 / 30264 / 30276</u>		<u>28849</u>	
<u>D.B. Capt Dewley</u>				

Log Relinquished to: John M. Bracey 18174 Date & Time: 08/13/08 1410  
 Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Crime Scene Specialist Emp. #

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# **LITTLE ROCK POLICE DEPARTMENT** **CRIME SCENE CONTROL LOG**

INVESTIGATIVE  
ORIGINAL

Incident # 2008-93475 1149 Date 8.13.08

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 1300 W. Capital

Type of Crime: Shooting

Starratt 18200  
 First Responding Officer Emp. # Time of Entry Time of Exit

\_\_\_\_\_  
 Detective Supervisor in Charge Emp. # Time of Entry

## **MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
City Mgr B. Moor				
Sgt D. Chandler	Intell.			
Chief Rowan				
Capt H. Lamarr	ASP			
Lt R. Dickinson	ASP			
Sgt M. Willoughby	ASP			
SPAGNT P. WARD	ASP			
Det C Sterka	19546 Intel			
Det M. Ferguson	16695 Intel			
SPAGNT JTF				
Ser. Srvc Agnt Rice				
Agnt Adams				

Log Relinquished to: John M. Bracey 18174 Date & Time: 08/13/08 1410  
 Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Crime Scene Specialist Emp. #

318



# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

INVESTIGATIVE  
ORIGINAL

Incident # \_\_\_\_\_

Date 09-17-2008

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 215 N. Shackelford (Waffle House)

Type of Crime: Officer Involved Shooting

<u>Orly Miller</u>	<u>3046</u>	<u>0031</u>	<u>0355</u>
First Responding Officer	Emp. #	Time of Entry	Time of Exit
_____ Detective Supervisor In Charge	_____ Emp. #	_____ Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
Bryan Black	29380	Responding	0041	
KERSHNER, CHANCE	19370	Responding	0031	
Captlinger, David / Solley, Kenneth	27082	Responding	0031	
MOORE, DAVID	29365	Responding	0031	0341
KINGSTON, BARRY	27100	Responding	0031	
C. Ramsey		MEMS	0037	0050
S. Neal		MEMS	0037	0050
C. Jones		MEMS	0037	0050
Nurse Reeves		MEMS	0037	0050
Jackson Langford		LRFD	0040	0050
Langford		LRFD	0040	0050
Farren		LRFD	0040	0050

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: Am Hay 15552 Date & Time: 9-17-08 / 0420  
Crime Scene Specialist Emp. #

169

# **LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG**

**INVESTIGATIVE  
ORIGINAL**

Incident # \_\_\_\_\_

Date \_\_\_\_\_

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: \_\_\_\_\_

Type of Crime: \_\_\_\_\_

First Responding Officer	Emp. #	Time of Entry	Time of Exit
Detective Supervisor In Charge	Emp. #	Time of Entry	

## **MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
Tracy	15552	Crime Scene Inv.	0054	
Capt. Falk	15695	Responding	0056	0211
Sgt. Jenkins	13312	Responding	0144	
Sgt. Taylor				
Lt. Timmons	7467			0146
Det. Sgt. Gaderin	16697			0214
Det. Knowles				0214
Chief Thomas	7188	Responding	0108	0120
Robinson	20203		0109	
Higgins	11420		0111	0211
Schliker		Waffle House Mgr.	042	
T. Hudson	11997			

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Officer (if different than originating officer) Emp. #

Log Relinquished to: AM Hay 15552 Date & Time: 9-17-08/012  
 Crime Scene Specialist Emp. #

170

# **LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG**

**INVESTIGATIVE  
ORIGINAL**

Incident # \_\_\_\_\_

Date \_\_\_\_\_

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: \_\_\_\_\_

Type of Crime: \_\_\_\_\_

First Responding Officer	Emp. #	Time of Entry	Time of Exit
Detective Supervisor In Charge	Emp. #	Time of Entry	

## **MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
Sgt. Davis	19371	PIO	0113	
Lt. Hastings	5874	PIO	0115	
Sgt. Lester	11949	Crime Scene	0054	
Cpt. Bewley	12565	Responding	0121	0216
West	25344	Responding	0025	0133
Ale McDaniel		Responding	0025	0133
James Anthony		Victim		0204
Clemente Pila		Victim		0212
Anne Sims		Victim		0212
Zanthya Prophet		Victim		0235
Lesa Kuhnert		Victim		0208
Perry Black		Victim		0208

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
 Officer (if different than originating officer) Emp. #

Log Relinquished to: AM Hay Date & Time: 0420  
 Crime Scene Specialist Emp. # 15552

171

# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

INVESTIGATOR  
ORIGINAL

Incident # \_\_\_\_\_

Date \_\_\_\_\_

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: \_\_\_\_\_

Type of Crime: \_\_\_\_\_

First Responding Officer	Emp. #	Time of Entry	Time of Exit
Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
Mary Schwarz		Victim		0207
Robert Schwarz		Victim		0207
Harold Chiles		Victim		
Kenney Scott		Victim		
Cpt. Temple				
J.C. White		Homicide Det.	0131	
Chuck Ray	10394	Homicide	0131	
H. Finklestein		P.A.	0132	0209
Branford	16690	I.A.	0136	0211
Berthia	17605	I.A.	0136	0211
Lt. King	7855			
L. Bealey		P.A.	0145	0209

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: JM May 15552 Date & Time: 9-17-08/0420  
Crime Scene Specialist Emp. #

172

ORIGINAL

# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

Incident # \_\_\_\_\_

Date \_\_\_\_\_

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: \_\_\_\_\_

Type of Crime: \_\_\_\_\_

First Responding Officer	Emp. #	Time of Entry	Time of Exit
Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
Davis	15693		0102	
J. Alexander	23080		0031	0355
C. Miller	30416		0031	0355
Knowles	14492	Homicide	0204	
Smith	26065	Crime Scene	0208	0215
Sharette	30276	Crime Scene	0221	
A. Bridges		Victim		
Oldham	23096	Crime Scene Security	0215	0251

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: Amey 15552 Date & Time: 9-17-08/0420  
Crime Scene Specialist Emp. #

173





LITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOGINVESTIGATIVE  
ORIGINALIncident # 08-81343Date 07-16-08

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 621 GilletteType of Crime: Homicide: Officer Shooting

First Responding Officer	Emp. #	Time of Entry	Time of Exit
<u>H. King</u>	<u>7455</u>	<u>1105</u>	
Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>DAVE HE WEBER</u>		<u>MEALS</u>	<u>1052</u>	
<u>J. Randall</u>		<u>MEALS (416)</u>		
<u>Shirley Schug</u>	<u>17255</u>	<u>DO</u>	<u>1053</u>	
<u>Ritchie</u>		<u>DO</u>	<u>1053</u>	
<u>M. Ford</u>	<u>22667</u>	<u>DO</u>	<u>1052</u>	<u>1113</u>
<u>E. Brooks</u>	<u>22783</u>	<u>DO</u>	<u>1055</u>	
<u>A. Simon</u>	<u>25296</u>	<u>DO</u>	<u>1056</u>	<u>1112</u>
<u>B. Gasaway</u>	<u>19356</u>	<u>DO</u>	<u>1056</u>	<u>1112</u>
<u>S. Woodall</u>	<u>14379</u>	<u>DO</u>	<u>1032</u>	<u>1112</u>
<u>T. Anderson</u>	<u>11997</u>	<u>DO</u>		<u>1222</u>
<u>A. Brewer</u>	<u>14496</u>	<u>DO</u>	<u>1041</u>	<u>1207</u>

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

298



LITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOGINVESTIGATIVE  
ORIGINALIncident # 28-81343Date 07.16.08

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: \_\_\_\_\_

Type of Crime: \_\_\_\_\_

First Responding Officer	Emp. #	Time of Entry	Time of Exit
Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
E Knowles	13419	DO		1222
J. Anderson	17422	DO		1241
L. Hudson	13166	DO		
Clay Hastings	18222	DO		
Sawchuk	30264	CSSU	1109	
CHARLES E.	30276	CSSU	1105	
STEWART WILLIAM <del>STEWART</del>	10714	DO		
H. R. Smith	7185	Shift Commander	1102	1133
H. R. Hastings		PIO		
R. Grogan	9923	Patrol	1058	
lt. G. King	7805	DO	1105	1205

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

299

LITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOGINVESTIGATIVE  
ORIGINALIncident # 08-81343Date 07.16.08

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 621 GilletteType of Crime: Homicide; officer involved

First Responding Officer	Emp. #	Time of Entry	Time of Exit
<u>LT King</u>	<u>7855</u>	<u>1105</u>	
Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>A. Tracy</u>	<u>15552</u>	<u>CSSU</u>		
<u>M. Holloway</u>	<u>14505</u>	<u>CSSU</u>		
<u>Capt ROBERTSON</u>	<u>14499</u>		<u>1107</u>	<u>1147</u>
<u>Sgt. BAKALAKOS</u>	<u>14482</u>	<u>Shift Sgt.</u>	<u>1107</u>	<u>1133</u>
<u>Chief STEWART</u>	<u>7188</u>		<u>1108</u>	
<u>S. <del>White</del> White</u>	<u>14949</u>	<u>CSSU</u>	<u>1110</u>	
<u>Sgt. Maxwell</u>	<u>11763</u>	<u>DO</u>	<u>1112</u>	
<u>Sgt. Dyer</u>	<u>17428</u>	<u>§</u>	<u>1058</u>	<u>1148</u>
<u>Sgt. GARLAND</u>	<u>15042</u>	<u>Shift Sgt</u>	<u>1106</u>	<u>1148</u>
<u>Mollette</u>	<u>28849</u>	<u>CSSU</u>		
<u>Capt Roman</u>	<u>4515</u>		<u>1132</u>	<u>1144</u>

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

300

# **LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG**

INVESTIGATIVE  
ORIGINAL

Incident # 2008-93435 1149 Date 08-13-2008

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 1300 W. Capitol

Type of Crime: Shooting

<u>Starratt</u>	<u>18200</u>	<u>1153</u>	
First Responding Officer	Emp. #	Time of Entry	Time of Exit
<u>Lt. King</u>	<u>7855</u>	<u>1205</u>	
Detective Supervisor in Charge	Emp. #	Time of Entry	

**MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Lt Spear</u>	<u>18725</u>			
<u>Otc Starratt</u>	<u>18200</u>			
<u>Sgt Lasher</u>	<u>11449</u>			
<u>Det follett</u>	<u>19361</u>			
<u>Det Sullivan</u>	<u>10714</u>			
<u>MEMS Unit</u>	<u>129 w/ supervisor</u>			
<u>LRFD Eng #1</u>				
<u>Kirk Lane Capt</u>	<u>PCSO</u>			
<u>Lt King</u>	<u>7855</u>			
<u>P10</u>	<u>5874 / 19371</u>			
<u>CSSU</u>	<u>15552 / 30264 / 30276</u>		<u>28849</u>	
<u>D.O. Capt Dewley</u>				

Log Relinquished to: John M. Bracey 18174 Date & Time: 08/13/08 1410  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. #

317



# **LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG**

INVESTIGATIVE  
ORIGINAL

Incident # 2008-93475 1149

Date 8.13.08

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 1300 W. Capital

Type of Crime: Shooting

Starratt  
First Responding Officer

18200  
Emp. #

Time of Entry

Time of Exit

Detective Supervisor in Charge

Emp. #

Time of Entry

## **MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
City Mgr B. Moor				
Sgt D. Chandler	Intell.			
Chief Rowan				
Capt H. Lamarr	ASP			
Lt W. Dickinson	ASP			
Sgt M. Willoughby	ASP			
SPAGNT P. WARD	ASP			
Det C Serka	19546 Intel			
Det M. Ferguson	16695 Intel			
SPAGNT JTF				
Ser. Svc Agnt Rice				
Agnt Adams				

Log Relinquished to: John M. Bracey 18174  
Officer (if different than originating officer) Emp. #

Date & Time: 08/13/08 1410

Log Relinquished to: \_\_\_\_\_  
Crime Scene Specialist

Date & Time: \_\_\_\_\_  
Emp. # 316

# **LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG**

INVESTIGATIVE  
ORIGINAL

Incident # 2008-934205

Date 8.13.08

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 1300 W. Capital

Type of Crime: Shooting

Starvoeth  
First Responding Officer

18200

Emp. #

Time of Entry

Time of Exit

Detective Supervisor in Charge

Emp. #

Time of Entry

## **MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
<u>Pulaski Co Prosecut. Office</u>				
<u>Sgt. D. Wold</u>	<u>18207</u>		<u>1420</u>	
<u>Ofc. Breshears</u>	<u>15026</u>		<u>1420</u>	

Log Relinquished to: John M. Bracey 18174 Date & Time: 08/13/08 1410  
Officer (if different than originating officer) Emp. #

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Crime Scene Specialist Emp. # 319

LITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOGINVESTIGATIVE  
ORIGINAL

Incident # \_\_\_\_\_

Date 09-17-2008

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: 215 N. Shackelford (Waffle House)Type of Crime: Officer Involved ShootingCody Miller3044600310355

First Responding Officer

Emp. #

Time of Entry

Time of Exit

Detective Supervisor In Charge

Emp. #

Time of Entry

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
Bryan Black	29380	Responding	0041	
KERSHNER, CHANCE	19370	Responding	0031	
Capt. Jones, DAVID / Solley, Kenneth	27087	Responding	0031	
MOORE, DAVID	29365	Responding	0031	0341
KINGSTON, BARRY	27100	Responding	0031	
C. Ramsey		MEMS	0037	0050
S. Neal		MEMS	0037	0050
C. Jones		MEMS	0037	0050
Nurse Reeves		MEMS	0037	0050
Jackson Langford		LRFD	0040	0050
Langford		LRFD	0040	0050
Farren		LRFD	0040	0050

Log Relinquished to: \_\_\_\_\_

Officer (if different than originating officer) Emp. #

Date &amp; Time: \_\_\_\_\_

Log Relinquished to: AM Hay

Crime Scene Specialist

15552

Emp. #

Date & Time: 9-17-08 / 0420

1169



**LITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOG**

**INVESTIGATIVE  
ORIGINAL**

Incident # \_\_\_\_\_

Date: \_\_\_\_\_

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: \_\_\_\_\_

Type of Crime: \_\_\_\_\_

First Responding Officer	Emp. #	Time of Entry	Time of Exit
Detective Supervisor In Charge	Emp. #	Time of Entry	

**MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
Tracy	15552	Crime Scene Inv.	0054	
Capt. Falk	15695	Responding	0056	0211
Sgt. Jenkins	13312	Responding	0144	
Sgt. Taylor				
Lt. Timmons	7467			0146
Det. Sgt. Galdwin	14697			0214
Det. Knowles				0214
Chief Thomas	7188	Responding	0108	0120
Robinson	20203		0109	
Higgins	11420		0111	0211
Schliker		Waffle House Mgr.	0612	
T. Hudson	11997			

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: AM Tracy 15552 Date & Time: 9-17-08/042  
Crime Scene Specialist Emp. #

170

**LITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOG**

**INVESTIGATIVE  
ORIGINAL**

Incident # \_\_\_\_\_

Date \_\_\_\_\_

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: \_\_\_\_\_

Type of Crime: \_\_\_\_\_

First Responding Officer	Emp. #	Time of Entry	Time of Exit
Detective Supervisor In Charge	Emp. #	Time of Entry	

**MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:**

Name	Emp. #	Purpose	Entry Time	Exit Time
Sgt. Davis	19371	PIO	0113	
Lt. Hastings	5874	PIO	0115	
Sgt. Lester	11949	Crime Scene	0054	
Cpt. Bewley	12565	Responding	0121	0216
West	25344	Responding	0025	0133
Ale McDaniel		Responding	0025	0133
James Anthony		Victim		0204
Clemente Pila		Victim		0212
Anne Sims		Victim		0212
Zanthy Prophet		Victim		0235
Lesia Kuhnert		Victim		0208
Perry Black		Victim		0208

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: AM May Date & Time: 0420  
Crime Scene Specialist Emp. # 15552

# LITTLE ROCK POLICE DEPARTMENT CRIME SCENE CONTROL LOG

INVESTIGAT  
ORIGINA

Incident # \_\_\_\_\_

Date \_\_\_\_\_

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: \_\_\_\_\_

Type of Crime: \_\_\_\_\_

First Responding Officer	Emp. #	Time of Entry	Time of Exit
Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
Mary Schwarz		Victim		0207
Robert Schwarz		Victim		0207
Harold Chiles		Victim		
Kenney Scott		Victim		
Cpt. Temple				
J.C. White		Homicide Det.	0131	
Chuck Ray	10394	Homicide	0131	
H. Finklestein		P.A.	0132	0209
Branford	16490	I.A.	0136	0211
Berthia	17605	I.A.	0136	0211
Lt. King	7855			
L. Begley		P.A.	0145	0209

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: SMH 15552 Date & Time: 9-17-08/0420  
Crime Scene Specialist Emp. #

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ORIGINAL

LITTLE ROCK POLICE DEPARTMENT  
CRIME SCENE CONTROL LOG

Incident # \_\_\_\_\_

Date \_\_\_\_\_

The first responding officer is responsible for initiating and maintaining this log until the arrival of investigative personnel or directed by the supervisor in charge. The name, employee number, purpose of entry, time of entry, and time of exit must be recorded for each individual entering the scene. The completed log is to be returned to the Crime Scene Specialist for the case file.

NOTE: This form is to be used for homicides, suicides, break-ins where rape was committed, officer involved shootings, bank robberies, and any other incidents the supervisor deems necessary.

Location: \_\_\_\_\_

Type of Crime: \_\_\_\_\_

First Responding Officer	Emp. #	Time of Entry	Time of Exit
Detective Supervisor In Charge	Emp. #	Time of Entry	

## MUST BE COMPLETED FOR ALL INDIVIDUALS ENTERING SCENE:

Name	Emp. #	Purpose	Entry Time	Exit Time
Davis	15693		0102	
J. Alexander	23080		0031	0355
C. Miller	30416		0031	0355
Knowles	14492	Homicide	0204	
Smith	26065	Crime Scene	0208	0205
Sharette	30276	Crime Scene	0221	
A. Bridges		Victim		
Oldham	23696	Crime Scene Security	0215	0251

Log Relinquished to: \_\_\_\_\_ Date & Time: \_\_\_\_\_  
Officer (if different than originating officer) Emp. #

Log Relinquished to: Ammy 15552 Date & Time: 9-17-08/0420  
Crime Scene Specialist Emp. #

173

**In The Matter Of:**  
*Michael Spradling v.*  
*Clay Hastings, et. al.*

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*Christina Hatfield*  
*February 7, 2014*

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*Grigsby Reporting Services*  
*711 Foxboro Drive*  
*Jacksonville, AR 72076*  
*fgrigsby07@comcast.net*  
*(501) 580-5117*

Original File 140207 Christina.prn



<p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS WESTERN DIVISION</p> <p>MICHAEL SPRADLING, as Personal Representative of the Estate of WILLIAM COLLIN SPRADLING, Deceased</p> <p style="text-align: right;">PLAINTIFF</p> <p>VS. NO. 4:12-CV-693 JMM</p> <p>CLAY HASTINGS, et. al.</p> <p style="text-align: right;">DEFENDANTS</p> <p style="text-align: center;">ORAL DEPOSITION OF CHRISTINA HATFIELD FEBRUARY 7, 2014</p> <p style="text-align: center;">GRIGSBY REPORTING SERVICES 711 FOXBORO DRIVE JACKSONVILLE, ARKANSAS 72076 (501) 580-5117 fgrigsby07@comcast.net</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">INDEX</p> <p>STYLE AND NUMBER . . . . . 1</p> <p>APPEARANCES . . . . . 2</p> <p>CAPTION . . . . . 4</p> <p>WITNESS: CHRISTINA HATFIELD</p> <p>Examination by Mr. Laux . . . . . 5</p> <p>Examination by Mr. Carpenter . . . . . 57</p> <p>Further Examination by Mr. Laux . . . . . 103</p> <p>Further Examination by Mr. Carpenter . . . . . 104</p> <p>DEPOSITION CONCLUDED . . . . . 105</p> <p>COURT REPORTER'S CERTIFICATE . . . . . 106</p> <p style="text-align: center;">EXHIBITS</p> <p>PLAINTIFF'S MARKED</p> <p>Exhibit 1 Disclosures #2 (5 Pages) . . . . . 51</p> <p>Exhibit 2 Photograph (1 Page) . . . . . 53</p> <p>Exhibit 3 Photograph (1 Page) . . . . . 53</p> <p>Exhibit 4 Photograph (1 Page) . . . . . 53</p> <p>Exhibit 5 Photograph (1 Page) . . . . . 53</p> <p>Exhibit 8 CD . . . . . 105</p> <p>DEFENDANTS' MARKED</p> <p>Exhibit 6 Photograph (1 Page) . . . . . 74</p> <p>Exhibit 7 FOI Request (1 Page) . . . . . 79</p> <p style="text-align: right;">GRIGSBY REPORTING SERVICES (501) 580-5117</p>
<p style="text-align: center;">Page 2</p> <p style="text-align: center;">APPEARANCES</p> <p>ON BEHALF OF THE PLAINTIFF:</p> <p>MR. MICHAEL J. LAUX LAUX LAW GROUP 11290 STANFORD COURT LANE, #210 GOLD RIVER, CALIFORNIA 95670</p> <p>ON BEHALF OF THE DEFENDANTS:</p> <p>MR. THOMAS M. CARPETNER MS. LATONYA LAIRD AUSTIN CITY OF LITTLE ROCK ATTORNEY'S OFFICE 500 WEST MARKHAM, SUITE 310 LITTLE ROCK, ARKANSAS 72201</p> <p>ALSO PRESENT:</p> <p>MR. CLAY HASTINGS MR. AARON SIMON MR. STEVE WOODALL</p> <p style="text-align: center;">GRIGSBY REPORTING SERVICES (501) 580-5117</p>	<p style="text-align: right;">Page 4</p> <p>1 CAPTION</p> <p>2 ANSWERS AND ORAL DEPOSITION OF CHRISTINA HATFIELD,</p> <p>3 a witness produced at the request of the Plaintiff,</p> <p>4 taken in the above-styled and numbered cause on the 7th</p> <p>5 day of February, 2014, before Faith Grigsby, Arkansas</p> <p>6 Supreme Court Certified Court Reporter #686, at 10:05</p> <p>7 a.m., at the Double Tree Hilton, 424 West Markham</p> <p>8 Street, Little Rock, Arkansas, pursuant to the agreement</p> <p>9 hereinafter set forth.</p> <p>10</p> <p>11 *****</p> <p>12</p> <p>13 STIPULATIONS</p> <p>14 IT IS STIPULATED AND AGREED by and between the</p> <p>15 parties through their respective counsel that the oral</p> <p>16 deposition of CHRISTINA HATFIELD, may be taken for any</p> <p>17 and all purposes according to the Federal Rules of Civil</p> <p>18 Procedure.</p> <p>19</p> <p>20 *****</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Page 5

1 PROCEEDINGS  
2 THEREUPON,  
3 CHRISTINA HATFIELD,  
4 THE WITNESS HEREINBEFORE NAMED,  
5 having been first duly cautioned and  
6 sworn by me to testify to the truth,  
7 the whole truth, and nothing but the  
8 truth, testified on her oath as  
9 follows, to-wit:  
10 EXAMINATION  
11 BY MR. LAUX:  
12 Q I wonder if I could ask you to give your full name,  
13 and spell your last name for the record.  
14 A Christina Ella Hatfield, H-A-T-F-I-E-L-D.  
15 MR. LAUX: Please let the record reflect  
16 that this is the discovery deposition of  
17 Christina Hatfield taken here at the Double  
18 Tree Hotel in Little Rock, Arkansas. Let the  
19 record also reflect that this deposition is  
20 going to proceed in accordance with the rules  
21 of the Arkansas Supreme Court, the rules of the  
22 Eastern District of Arkansas Federal Court, and  
23 the local rules here in Little Rock.  
24 Q (By Mr. Laux) Ms. Hatfield, have you ever given a  
25 deposition before?

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1 A No.  
2 Q Let me, very briefly, go over the rules for you so  
3 that we can have a clean record and, hopefully, get you  
4 out of here as soon as possible. Okay?  
5 A Okay.  
6 Q I'm going to be asking you a series of questions to  
7 which, hopefully, you can provide answers. Okay?  
8 A Okay.  
9 Q Yes and no answers are preferred when they're  
10 applicable. Okay?  
11 A Okay.  
12 Q I don't know and I don't remember are also fine  
13 answers if that's the case. Okay?  
14 A Okay.  
15 Q As you can see, we have a court reporter here  
16 taking down everything that we say. She can only take  
17 down what one of us says at one time, right?  
18 A Okay.  
19 Q Therefore, I would ask you to wait until I'm done  
20 with my question before you answer, and I will be sure  
21 to wait until you're done with your answer before I pose  
22 my next question. Okay?  
23 A Got it.  
24 Q You're doing a good job so far of answering  
25 questions audibly. Please continue to do that. Okay?

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1 A Okay.  
2 Q I'm only interested in what you know, and I don't  
3 want you to speculate. Okay?  
4 A Okay.  
5 Q And finally, if you want to take a break for any  
6 reason, at any time, as long as a question is not  
7 pending, you may do that, and just let us know.  
8 A Okay.  
9 Q Great. Have you reviewed anything in preparation  
10 for today's deposition?  
11 A Yes.  
12 Q What?  
13 A My statement.  
14 Q Anything else?  
15 A The audio of my statement.  
16 Q Anything else?  
17 A And the video and audio of the incident.  
18 Q When you say, your statement, are you referring to  
19 the statement that you gave at the Little Rock Police  
20 Department on July 16, 2008?  
21 A Yes.  
22 Q And was that following the shooting of Collin  
23 Spradling?  
24 A Yes.  
25 Q When you refer to the audio statement, does that

Page 8

1 mean an audio recording of what was purported to be  
2 described in that transcript?  
3 A Yes.  
4 Q And then, finally, when you say the video or audio  
5 recording, however you phrased it, did you mean the on-  
6 scene, what appeared to be, police dashcam video with a  
7 lapel microphone?  
8 A Yes.  
9 Q May I -- anything else?  
10 A No.  
11 Q May I have your date of birth, please.  
12 A 8/25/63.  
13 Q And where were you born?  
14 A Cedar Rapids, Iowa.  
15 Q Did you attend high school there?  
16 A No.  
17 Q Where did you go to high school?  
18 A Mount St. Mary's Academy here in Little Rock.  
19 Q Do you have any children?  
20 A Yes.  
21 Q What are their names, please?  
22 A Rachael Hatfield -- I'm sorry, Rachael Mayhew.  
23 Q Formerly Rachael Hatfield?  
24 A Yes.  
25 Q And what's --

Page 9	Page 11
<p>1 MR. CARPENTER: Mayhew?</p> <p>2 Q (By Mr. Laux) Could you spell that last name for</p> <p>3 me.</p> <p>4 A M-A-Y-H-E-W.</p> <p>5 Q She's recently married?</p> <p>6 A Yes.</p> <p>7 Q And her husband's name, was it Tony?</p> <p>8 A It's Anthony -- Tony.</p> <p>9 Q Thank you. And what's Rachael's date of birth?</p> <p>10 A 7/14/85.</p> <p>11 Q And do you have another child?</p> <p>12 A Yes.</p> <p>13 Q And who is that?</p> <p>14 A Paul Hatfield.</p> <p>15 Q And what is his date of birth?</p> <p>16 A 11/6/89.</p> <p>17 Q Are you employed?</p> <p>18 A Yes.</p> <p>19 Q Where?</p> <p>20 A Stephens.</p> <p>21 Q What type of job do you -- strike that.</p> <p>22 What type of work do you do there?</p> <p>23 A I'm in institutional equity sales. We sell stocks</p> <p>24 to mutual funds and hedge funds in New York City -- my</p> <p>25 team does. The team I work on does.</p>	<p>1 A Yes.</p> <p>2 Q Where did you live at that time?</p> <p>3 A 621 Gillette Drive in Little Rock.</p> <p>4 Q Do you still live there today?</p> <p>5 A Yes.</p> <p>6 Q What were you doing at the time?</p> <p>7 A I was outside in the back yard doing yard work.</p> <p>8 Q And where were you located?</p> <p>9 A I was standing in front of my carport, which is</p> <p>10 actually in my back yard. My driveway circles around</p> <p>11 the back of my house.</p> <p>12 Q I imagine at some point either they said something</p> <p>13 to you or you said something to them?</p> <p>14 A Yes.</p> <p>15 Q What -- who said --</p> <p>16 MR. CARPENTER: Objection on form.</p> <p>17 Q (By Mr. Laux) I'm just -- what was said between</p> <p>18 the two of you, as best you can recall, when they</p> <p>19 arrived?</p> <p>20 A I saw them walking up the carport and I remember</p> <p>21 them asking me if Rachael were home -- if Rachael -- and</p> <p>22 then I said yes. They asked me if Collin was there. I</p> <p>23 told them yes. And they asked me -- they told me they</p> <p>24 needed to speak with them. I asked them what is was</p> <p>25 about and they just -- I just remember them asking me to</p>
Page 10	Page 12
<p>1 Q A question that we have to ask every deponent that</p> <p>2 comes through, have you ever been convicted of any</p> <p>3 felony or any crime involving honesty?</p> <p>4 A No.</p> <p>5 Q Directing your attention to July of 2008, did your</p> <p>6 daughter, Rachael, have a boyfriend then?</p> <p>7 A Yes.</p> <p>8 Q What was his name?</p> <p>9 A Collin Spradling.</p> <p>10 Q Directing your attention to the specific date of</p> <p>11 July 16, 2008, does that date have any significance to</p> <p>12 you?</p> <p>13 A Yes.</p> <p>14 Q Why is that?</p> <p>15 A That's the day Collin was killed in my back yard.</p> <p>16 Q How was Collin killed in your back yard?</p> <p>17 A By the Little Rock Police Department.</p> <p>18 Q Were you an eyewitness to that?</p> <p>19 A Yes, I was.</p> <p>20 Q How was he killed?</p> <p>21 A He was shot several times.</p> <p>22 Q I'd like to ask you questions about that. Okay?</p> <p>23 A Okay.</p> <p>24 Q On that date, did the Little Rock Police</p> <p>25 Department, or any members thereof, come to your home?</p>	<p>1 go and get them.</p> <p>2 Q They repeated their request for you to get them?</p> <p>3 A Yes.</p> <p>4 Q At that time -- well, strike that.</p> <p>5 I presume at some point you went and got them?</p> <p>6 A Yes.</p> <p>7 Q Prior to your getting them, did the officers -- any</p> <p>8 of the officers show you any kind of a warrant?</p> <p>9 A No.</p> <p>10 Q Did they say anything about having a warrant at</p> <p>11 that time?</p> <p>12 A No.</p> <p>13 Q I don't want to get too narrative here, but let me</p> <p>14 just ask you a series of questions that are going to be</p> <p>15 pretty much what happened next.</p> <p>16 A Okay.</p> <p>17 Q Did you go inside then?</p> <p>18 A Yes.</p> <p>19 Q And what happened next?</p> <p>20 A I went to Rachael's bedroom, which is where they</p> <p>21 were, and I knocked on the door and told them to come</p> <p>22 out. I told her that I needed her and Collin to come</p> <p>23 out to the back yard, that the police were there and</p> <p>24 needed to speak with them. Rachael said, "What?" And I</p> <p>25 said, "I don't know, just," you know, "let's go out and</p>



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1 see what it's about." And so she opened the door  
 2 immediately, and she and I turned around to start  
 3 walking down the hallway to go back towards the back  
 4 door and I could see Collin, and he had gotten up off  
 5 the bed and was like adjusting his clothes. And so  
 6 Rachael and I went on down the hallway and --  
 7 Q Let me stop you there for just a minute. Did you  
 8 say anything to Collin at that time?  
 9 A No.  
 10 Q Did he say anything to you at that time?  
 11 A No.  
 12 Q Please continue.  
 13 A So we went on down the hallway and Rachael and I  
 14 exited my back door, which I had just the glass door  
 15 closed. There is an outside door, which is all windows,  
 16 and then an actual glass storm door. And so we went out  
 17 the storm door, the other door was already opened, and  
 18 they -- I told them, "This is my daughter, Rachael," and  
 19 somebody asked her, right away, to sit on the brick wall  
 20 that goes around my patio.  
 21 Q Now, stopping you there for just a minute. If one  
 22 is exiting your back door, is the ledge you're speaking  
 23 of to the right, left, or somewhere else?  
 24 A The right.  
 25 Q Please continue.

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1 A And at the same time that that person was asking  
 2 her to sit down, another officer was asking me where  
 3 Collin was, and I said, "Oh, he's coming." And he said,  
 4 "Through the front or the back?" And that question kind  
 5 of confused me. I was like, oh, I think he knows to  
 6 come to the back. And right as I kind of turned to the  
 7 glass door, he was coming through it, and so I said,  
 8 "Here he is."  
 9 Q And what did -- what was Collin wearing when he  
 10 exited your home?  
 11 A Jeans and a shirt -- a T-shirt, I think.  
 12 Q What happened next?  
 13 A They asked Collin to -- they told Collin to turn  
 14 around, put his hands behind his back, which he did, and  
 15 they said -- the one that was going to cuff him, I  
 16 guess, said, "I think you know why we're here," and  
 17 right then, Collin whirled around when he said that, and  
 18 then everything just happened so fast. He whirled  
 19 around and then they just converged on him, and he was  
 20 taken down to the ground right at my feet. His head  
 21 landed right at -- on my daughter's feet, who was  
 22 sitting at the brick wall.  
 23 And I saw a gun on his head, and so I took my  
 24 daughter and pulled her towards me, to get her out of  
 25 that. And I just -- you know, just -- they were just

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1 like all on him. And then I just heard something about  
 2 his pocket, and then I heard pop, pop, pop.  
 3 Q I'd like to ask you some questions -- some follow-  
 4 up questions about what you just said. First of all, I  
 5 think you said that Collin went down near you and that  
 6 his head was near or on your daughter's feet; is that  
 7 correct?  
 8 A Yes.  
 9 Q You were speaking literally. He was that close to  
 10 you?  
 11 A Yes.  
 12 Q And I think you said that you saw a gun at Collins'  
 13 head at some point; is that right?  
 14 A Yes.  
 15 Q Was that a gun -- who was holding that gun?  
 16 A One of the officers.  
 17 Q How soon after the takedown of Collin would you say  
 18 that you saw that gun placed at his head?  
 19 A Immediately.  
 20 Q You mentioned hearing the word -- someone said  
 21 something to the effect of, "Pocket," or, "It's in his  
 22 pocket," right?  
 23 A "He's reaching for his pocket."  
 24 Q Did you hear that before or after you saw the gun  
 25 go to Collins' head?

Page 16

1 A After.  
 2 Q What happened next?  
 3 A I heard pop, pop, pop, pop, and this time, my  
 4 daughter -- we have a stoop right outside the back door  
 5 and we went down on it, and my daughter was just  
 6 screaming. And I don't know why, but I was trying to  
 7 cover her eyes and realized I was covering her mouth  
 8 because of the screaming. And she just said, "Is he  
 9 dead?" And so I just -- I looked, and they were coming  
 10 off of him at this time, and I could see the blood  
 11 already coming out around his head, and with that many  
 12 gunshots, and with the gun being to his head that I saw,  
 13 I just answered her, "Yes."  
 14 Q The blood that you saw coming out of his head, was  
 15 it coming at a quick pace or a slow pace?  
 16 A I just remember seeing blood. I couldn't tell you  
 17 the pace.  
 18 Q Was the blood on the ground?  
 19 A Yes.  
 20 Q And was the blood -- how was Collin positioned at  
 21 the time that you saw blood?  
 22 A He was laying on his right side.  
 23 Q And was he lying straight, fetal, something else?  
 24 A I don't -- it's -- when they took him down, it  
 25 seemed like he was -- like his legs were straight out

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1 behind him. After I looked at him and saw — you know,  
2 answered my daughter, I'm not really sure. to be honest  
3 with you, where his legs were at this point, but he was  
4 still on his — you know, he was still on his front.  
5 Q Fair enough. The blood that you speak of, was it  
6 between the ledge and his body?  
7 A It was — the ledge meaning the brick wall that my  
8 daughter was sitting on?  
9 Q Yeah, let me withdraw that question.  
10 We spoke a little bit about this brick wall. How  
11 tall is this brick wall that was to the right of your  
12 front — of your back door when you walk out of it?  
13 A Just a — maybe this high.  
14 Q And it looks like something —  
15 A Thirty inches.  
16 Q -- like maybe -- two feet, maybe?  
17 A Yeah.  
18 Q A foot and a half?  
19 A Two feet.  
20 Q It's of the size that someone like you or your  
21 daughter could easily sit on?  
22 A Yes.  
23 Q And was Collins' body near that —  
24 A Yes.  
25 Q -- brick wall?

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1 A Yeah, his head was right up against the brick wall.  
2 Q And so was the — was he, then, more facing the  
3 brick wall or more away from the brick wall, or do you  
4 not recall?  
5 A The top of his head was at the brick wall and he  
6 was facing away from the back door. Because when I  
7 looked at him, I couldn't see his face. It was the back  
8 of his head that I saw.  
9 Q From the time that Collin — strike that.  
10 From the time that Collin came outside until the  
11 time that he was shot, you talked about things that you  
12 heard the officer say, correct?  
13 A From the — yes.  
14 Q Is there anything else that was said by the  
15 officers during that time frame that you haven't  
16 mentioned yet, that you can recall?  
17 A From the time he came out of the back door?  
18 Q Until the time that he was shot. And we've got the  
19 — "You know what this is about." We've got --  
20 A "Turn around and put your hands behind your back."  
21 "I think you know what this is about." "Reaching for  
22 his pocket." That's it.  
23 Q You mentioned hearing a pop, pop, pop.  
24 A Uh-huh.  
25 Q I assume you're talking about gunshots.

Page 19

1 A Yes.  
2 Q And can you estimate how many you heard?  
3 A Three or four.  
4 Q From the time that the — Collin came outside until  
5 the time he was shot, what did — did he say anything at  
6 all?  
7 A No.  
8 Q How physically close to Collin would you say that  
9 you were when he was shot?  
10 A Two feet.  
11 Q How about your daughter, Rachael?  
12 A The same, because I had pulled her to me before the  
13 pops.  
14 Q Why did you pull her toward you?  
15 A Because it was her feet, his head, a gun. That's  
16 my daughter. She's coming this way.  
17 Q You mean to say that the gun was placed at Collins'  
18 head, which was close to your daughter?  
19 A Yes.  
20 Q And you pulled her towards you to protect her.  
21 A Yes, and to get her — you know, there were a lot  
22 of men on him. Just to get her away from the situation.  
23 Q When you say "there were a lot of men on him," how  
24 many men are you talking about?  
25 A I mean, at least three -- four -- at least three.

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1 Q And what were they doing?  
2 A Collin was down on the ground on his stomach and  
3 they were just, it seemed like, all over each other. I  
4 don't really know. It was so fast, and there were so  
5 many men in such a small area just grappling, I guess.  
6 Q Would you call it a struggle?  
7 A I guess.  
8 Q I mean, I don't want --  
9 A I couldn't — okay. I — at that point, I saw  
10 Collin on his stomach with his legs behind him, so if  
11 there was a struggle going on, it seemed almost like it  
12 was more with them than him. I did not see Collin  
13 struggling at that point, but I also — there were so  
14 many on him, it was covering the core of his body. It's  
15 hard to describe.  
16 Q No, you're — I — you're doing a fine job.  
17 Where was your son, Paul, at this time?  
18 A I didn't realize this at the time, but he was  
19 actually on the other side of the patio. Where Collins'  
20 feet were, he was on the other side there. So if my  
21 daughter and I are here, Paul is here and Collin is  
22 here.  
23 Q Because we have a court reporter here who can't —  
24 A I'm sorry.  
25 Q That's okay. It's natural. I understood what you

Page 21

1 meant, but could you maybe put that in some type of  
2 metric terms, if you can.  
3 A Collin was laying with his head against the wall  
4 and his feet straight out behind him. My daughter and I  
5 would have been -- if he were on his stomach, we would  
6 be on his right side, which is at the back door, and my  
7 son was at his feet but a few feet back. He was not  
8 directly at his feet, but maybe four or five feet away  
9 from his feet.  
10 Q Was your son closer than you to the patio exit?  
11 A Yes. I mean, we would have gone straight to the  
12 patio, he would have gone around, so it's kind of hard  
13 to answer.  
14 Q Sure. And if you -- if it's not -- it's probably  
15 not a good question, so that's fine.  
16 A The straight line might have been shorter, "A" to  
17 "B".  
18 Q Paul was present when Collin was shot?  
19 A Yes.  
20 Q Let me ask you this question. Did you ever see a  
21 gun in Collins' possession at any time on July 16, 2008?  
22 A No.  
23 Q Other than guns held by officers, did you see any  
24 guns at all around the time that Collin was shot?  
25 A No.

Page 22

1 Q Did you ever see any officer remove a gun from  
2 Collins' possession?  
3 A No.  
4 Q Did you ever see any officer remove a gun from near  
5 Collins' body?  
6 A No.  
7 Q Did you ever see any officer place a gun on a ledge  
8 in your back yard?  
9 A No.  
10 Q Prior to Collin being shot, did you hear any police  
11 officer say, "Gun! Gun! Gun!"  
12 A No.  
13 Q Prior to Collin being shot, did you hear any police  
14 officer say, "Are you sure?"  
15 A No.  
16 Q Prior to Collin being shot, did you hear any police  
17 officer say, "Yes, I'm sure?"  
18 A No.  
19 Q Did you ever request a copy of the investigation  
20 file from this incident?  
21 A Yes.  
22 Q Approximately when would you say you did this?  
23 A Almost as soon as they would release it, so it was  
24 maybe a couple months.  
25 Q Why did you get a copy -- strike that.

Page 23

1 Why did you request a copy of the file from the  
2 Little Rock Police Department?  
3 A Honestly, because I couldn't believe that the  
4 Prosecuting Attorney's Office wasn't calling me and my  
5 family in to ask us what happened, and so I wanted to  
6 see what they were reading.  
7 Q Why was that a concern that you weren't being  
8 called by the Prosecuting Attorney's Office?  
9 A Because I felt like what had happened in my back  
10 yard was wrong and I felt like it needed investigated.  
11 Q Did you receive a copy of the file from the Little  
12 Rock Police Department?  
13 A Yes.  
14 Q Did the file that you received contain any audio  
15 recordings of any kind?  
16 A No.  
17 Q Did it contain any audio discs of any kind?  
18 A No.  
19 Q Did it contain any video recordings of any kind?  
20 A No.  
21 Q How about video discs of any kind?  
22 A No.  
23 Q Everything you received was of the paper variety?  
24 A Yes.  
25 Q Since you obtained that file, have you ever

Page 24

1 obtained any audio or video recordings from the  
2 investigation?  
3 A Yes.  
4 Q And how did you get them?  
5 A From you.  
6 Q You and I have talked before today, correct?  
7 A Yes.  
8 Q Because I think that it might be a topic explored,  
9 why don't you tell me how it was that you and I became  
10 acquainted?  
11 A You actually called my home asking for Rachael, and  
12 left a message, and I called you back and told you that  
13 I'd really rather Rachael not talk to you, and told you  
14 who I was. And I was actually at home that day, so you  
15 asked if you could come by. You told me what it was in  
16 regards to, that you had reviewed -- you had come across  
17 the Collin Spradling case, I think, in your  
18 investigation of another case, and wanted to ask me some  
19 questions about it. And so that day -- you know, night  
20 you came by my house and, basically, just asked me what  
21 happened and I told you pretty much what we're saying  
22 here today.  
23 Q Thank you. Back to the subject of the audio and  
24 video that you received -- and I think you mentioned  
25 this at the beginning of your deposition -- you've had a

<p style="text-align: right;">Page 25</p> <p>1 chance to listen to those items?</p> <p>2 A Yes.</p> <p>3 Q I'm going to represent to you that, obviously, the</p> <p>4 discs that I received, I received from the City, and I'm</p> <p>5 going to play portions of those discs right now. And I</p> <p>6 might stop them from time to time to ask you questions</p> <p>7 about that. Okay?</p> <p>8 A Okay.</p> <p>9 MR. CARPENTER: Are we going to make these</p> <p>10 exhibits?</p> <p>11 MR. LAUX: Yeah.</p> <p>12 MR. CARPENTER: Okay.</p> <p>13 MR. LAUX: It's also -- it'll either be --</p> <p>14 MR. CARPENTER: When you can. I mean,</p> <p>15 that'll be fine.</p> <p>16 MR. LAUX: Sure.</p> <p>17 Q (By Mr. Laux) This first, it is going to be about</p> <p>18 five minutes in length. I'm going to stop it</p> <p>19 occasionally and ask you some questions. Okay?</p> <p>20 A Okay.</p> <p>21 MR. LAUX: Let me know if -- if anyone has</p> <p>22 a problem hearing it, please let me know and</p> <p>23 I'll try to do my best to make sure that</p> <p>24 everyone can hear it.</p> <p>25 Q (By Mr. Laux) I also might show you images, just</p>	<p style="text-align: right;">Page 27</p> <p>1 Q -- and that you would go get her?</p> <p>2 A Yes.</p> <p>3 (Video Playing)</p> <p>4 Q (By Mr. Laux) Did you have a dog in 2008?</p> <p>5 A Yes, two.</p> <p>6 Q Are those your dogs?</p> <p>7 A Yes.</p> <p>8 (Video Playing)</p> <p>9 Q (By Mr. Laux) Now, do you hear that staticky thing</p> <p>10 there?</p> <p>11 A Yes.</p> <p>12 Q Do you know what that is?</p> <p>13 A No.</p> <p>14 (Video Playing)</p> <p>15 Q (By Mr. Laux) I'm going to pause it right there</p> <p>16 after I heard kind of a pow sound, but let me ask you --</p> <p>17 MR. CARPENTER: Do you know the time?</p> <p>18 MR. LAUX: I'm sorry. I'm pausing it at</p> <p>19 10:44:50.</p> <p>20 MR. CARPENTER: Thank you.</p> <p>21 Q (By Mr. Laux) Over the past minute or so, what was</p> <p>22 that we were listening to?</p> <p>23 A The incident.</p> <p>24 Q Did you hear it in its entirety or were there some</p> <p>25 parts that you couldn't hear?</p>
<p style="text-align: right;">Page 26</p> <p>1 to identify people on here. Okay?</p> <p>2 A Okay.</p> <p>3 Q But for the time being, it's just audio.</p> <p>4 (Video Playing)</p> <p>5 Q (By Mr. Laux) Now, first, I'm going to stop it at</p> <p>6 what says 10:41:13 a.m. Do you recognize this area that</p> <p>7 is depicted in this screen?</p> <p>8 A Yes, I do.</p> <p>9 Q And where is that?</p> <p>10 A That's -- that white car is parked at the house</p> <p>11 that's right next door to mine, on the corner, and</p> <p>12 across the street from the other house on the corner.</p> <p>13 Q That's your neighborhood?</p> <p>14 A That's my neighborhood. That's one house away from</p> <p>15 me.</p> <p>16 Q I'm going to fast-forward in time just a bit to 41</p> <p>17 -- I'm sorry, 10:42:12.</p> <p>18 (Video Playing)</p> <p>19 Q (By Mr. Laux) Did you recognize that voice?</p> <p>20 A Yes.</p> <p>21 Q And who is that?</p> <p>22 A Mine.</p> <p>23 Q And were you referencing that Rachael is your</p> <p>24 daughter --</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 A There was a lot of parts I couldn't hear.</p> <p>2 Q Do you know why that is?</p> <p>3 A No.</p> <p>4 Q Did you hear a pow sound?</p> <p>5 A Yes.</p> <p>6 Q Do you have any idea what that was?</p> <p>7 A The gunshot.</p> <p>8 Q One of them?</p> <p>9 A One of them.</p> <p>10 Q I'll continue.</p> <p>11 (Video Playing)</p> <p>12 Q (By Mr. Laux) I hear what I would call screaming.</p> <p>13 Do you know what that is?</p> <p>14 A It's my daughter screaming.</p> <p>15 Q I'll continue again.</p> <p>16 (Video Playing)</p> <p>17 Q (By Mr. Laux) I think someone said, "I just want</p> <p>18 to know why the F-U-C-K you all just killed someone in</p> <p>19 my house." Did -- assuming --</p> <p>20 MR. CARPENTER: Time?</p> <p>21 MR. LAUX: I'm sorry, 10:45:34.</p> <p>22 MR. CARPENTER: Thank you.</p> <p>23 Q (By Mr. Laux) Do you recognize who said that?</p> <p>24 A My son.</p> <p>25 Q And that's Paul?</p>

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1 A Yes.  
2 Q And then if I heard that correctly, it says, "He  
3 came at us with a gun." Assuming that I'm correct in  
4 what I heard there and assuming that it refers to  
5 Collin, did you ever see Collin come at anyone with a  
6 gun?  
7 A No.  
8 Q I'm going to continue playing.  
9 (Video Playing)  
10 Q (By Mr. Laux) Now, I'm pausing it at 10:46:02. Do  
11 you hear kind of interrupted discussions on this tape?  
12 A Yes.  
13 Q Are some of those statements -- strike that.  
14 Do you recognize your son Paul's voice being one of  
15 the people making those statements?  
16 A Yes.  
17 Q I've frozen this on 10:46:02. And I'll just say  
18 for the record, this is Officer Michael Lundy's MVR  
19 Number One, as obtained in litigation.  
20 On this screen here at 10:46:02, there seems to be  
21 a police -- two police officers and a young woman in  
22 between them. Do you recognize that woman in between  
23 them?  
24 A It's my daughter.  
25 Q And so would it be fair to say that, by this time,

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1 certainly, your daughter was no longer in the patio  
2 area?  
3 A Yes.  
4 Q How far away, if you know, is the exit from your  
5 patio to this location where Rachael is featured at  
6 10:46:02?  
7 A The length of the driveway --  
8 Q And just --  
9 A -- and maybe six more feet up the road.  
10 Q And because some driveways are longer than others,  
11 is there any way you can articulate that distance a  
12 little bit more specifically?  
13 A My driveway does circle around to the back of my  
14 house, and so the gate is -- it's -- the gate -- there's  
15 the patio, there's the gate. The gate exits directly to  
16 the driveway, and so the gate is at the end of the right  
17 side of my house, so you'd be at the end of the back of  
18 my house, down the driveway. It's a longer than normal  
19 driveway, but it's not an abnormally long driveway.  
20 Q I'm going to continue playing and I'm going to stop  
21 it at 10:46:46 and see if you can recognize the person  
22 depicted at that time, okay?  
23 A Okay.  
24 (Video Playing)  
25 Q (By Mr. Laux) I'm stopping this at 46:46, even

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1 though there's a little -- now 47. Do you recognize who  
2 that person is with the officer?  
3 A That's me.  
4 Q And you're being removed from -- or strike that.  
5 You're leaving the area of your home?  
6 A Yes. I'm being escorted.  
7 Q Was it your choice to leave your home at that time?  
8 A No.  
9 Q How is it that you left your residence at that  
10 point?  
11 A They said -- as soon as the shooting happens, they  
12 removed me and my two children, you know, one at a time,  
13 back to back, down the driveway and placed each of us in  
14 the back of a different car, and I asked if I could sit  
15 with my daughter and was told no, we had to stay  
16 separate, and so that's how we came to be there.  
17 Q But in terms of leaving, is it fair to say that you  
18 were -- well, strike that.  
19 How much time passed between Collin being shot and  
20 you leaving or being escorted away from the scene?  
21 A Seconds.  
22 Q I'm going to play this a little bit longer here.  
23 It looks like you're speaking to this officer; is that  
24 true?  
25 A Yes.

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1 Q Do you recall what you were saying at that time?  
2 A I don't know what I was saying at that exact  
3 moment. I do recall asking to sit with my daughter,  
4 because they already had her in a car and he was  
5 bringing me to a different car and I wanted to sit with  
6 her.  
7 Q I am now going to play an excerpt of disc from  
8 Michael Lundy's MVR. This is Michael Lundy's MVR Number  
9 Two.  
10 MR. LAUX: In terms of exhibits, what --  
11 assuming that I can fit them on one disc, it'll  
12 be one disc Exhibit Number 1 containing all  
13 three of the MVR recordings that I intend to  
14 use today. If that doesn't work out, then each  
15 of the recordings will be its own exhibit, but  
16 we will cross that bridge when we come to it.  
17 Q (By Mr. Laux) So I'm going to play this disc,  
18 which is only 5 minutes and 11 seconds in its entirety.  
19 I'm going to play it all the way through and then I'm  
20 going to ask you just a couple of questions. Okay?  
21 A Okay.  
22 MR. LAUX: Can everyone hear everything  
23 okay?  
24 MR. WOODALL: I'm having trouble hearing  
25 some.

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1 MR. LAUX: Are you? I still can turn it  
 2 up. I can turn it up quite a bit more,  
 3 actually  
 4 (Video Playing)  
 5 Q We just listened to about 5 minutes and 11 seconds  
 6 of audio attached to a video on a laptop here. I want  
 7 to ask you a couple of follow-up questions.  
 8 I heard an officer on there say, "We have a warrant  
 9 for her arrest," and I also heard someone say, "That's  
 10 what we were here for, to serve warrants on both  
 11 subjects." Did you hear those things like I did, or no?  
 12 A I heard them right then like you did, yes.  
 13 Q Exactly. I guess, did you hear that on the  
 14 videotape that we just played?  
 15 A Yes.  
 16 Q When he said "both subjects," who did you -- who do  
 17 you understand those subjects to be?  
 18 A Collin and Rachael.  
 19 Q And did anyone with the LRPD ever show you a  
 20 warrant at any time on July 16, 2008?  
 21 A No.  
 22 Q Was that you asking about an attorney for your  
 23 daughter?  
 24 A Yes.  
 25 Q Why did you do -- why were you asking about that?

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1 A Because I had just been told she had a warrant --  
 2 they had a warrant for her.  
 3 Q Why were you concerned about getting an attorney?  
 4 A Because when you're about to be taken to the police  
 5 station with a warrant, you get an attorney.  
 6 Q Did that officer say that she wouldn't be  
 7 questioned until her rights were read?  
 8 A I did hear that --  
 9 Q Did you --  
 10 A -- right then.  
 11 Q I'm sorry to interrupt you.  
 12 A I just said, right then.  
 13 Q And, I mean, that was -- what we listened to there,  
 14 was that, in part, a conversation between you and an  
 15 officer?  
 16 A Yes.  
 17 Q And did you get an attorney for your daughter at  
 18 some point?  
 19 A Yes.  
 20 Q And is that for the reasons you just articulated?  
 21 A No.  
 22 Q Why did you get an attorney for your daughter?  
 23 A I got an attorney for my daughter after we got back  
 24 home and they asked -- we weren't actually allowed to go  
 25 back into the home, but my sister lives four doors down

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1 from me and so they knew we were down there. I told  
 2 them we were going to be down there.  
 3 Q They -- when you say "they," who is they?  
 4 A The people that were still on the scene after we  
 5 got home --  
 6 Q And when you say --  
 7 A -- that afternoon.  
 8 Q -- "down there," you're referring to where, your  
 9 sister's?  
 10 A My sister's house.  
 11 Q Please continue.  
 12 A And they sent somebody down to ask us if we had the  
 13 keys to Rachael's car, and I asked them why and they  
 14 said they were taking it, and I asked them, you know --  
 15 I asked them why and they said -- I can't remember  
 16 exactly what they said, but, basically, something about  
 17 it's been used in -- involved in a crime or something,  
 18 and so, at that point, I called an attorney.  
 19 Q This interaction that you're describing, was this  
 20 before or after you gave statements at the police  
 21 department?  
 22 A After.  
 23 Q It was after you returned home?  
 24 A Yes.  
 25 Q But it was after you returned from the police

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1 department and you were at your sister's?  
 2 A Yes.  
 3 Q That's more accurately -- more accurate way of  
 4 putting it?  
 5 A Yes.  
 6 Q Did they, in fact, take Rachael's car?  
 7 A Yes.  
 8 Q What was the name of the attorney, if you can  
 9 recall, that you retained?  
 10 A Mark Hampton.  
 11 Q To your knowledge, were criminal charges ever filed  
 12 against your daughter?  
 13 A No.  
 14 Q That means that you're saying that they -- no  
 15 criminal charges were ever filed; is that true?  
 16 A That's true.  
 17 Q Was the car returned to you or your daughter?  
 18 A We had to go get it, yes.  
 19 Q When did you get the car?  
 20 A It was -- I believe it was the next day. It might  
 21 have been the day after that. I believe it was the next  
 22 day.  
 23 Q This is the third and final disc that I'm going to  
 24 play for you today. This is Michael Lundy's MVR  
 25 Recording Number Three.

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1 MR. LAUX: And I should just mention that,  
2 for clarity sake, MVR video Number One starts  
3 at approximately 10:40:26 and is 8 minutes and  
4 49 seconds in length. MVR video Number Two  
5 starts at approximately 10:49:12 and is 5  
6 minutes and 11 seconds in length. MVR video  
7 Number Three starts at 10:56:22 and is exactly  
8 eight minutes in length.  
9 Q (By Mr. Laux) So I'm going to play just a little  
10 over two minutes of this video and then I'm going to ask  
11 you some questions. Okay?  
12 A Okay.  
13 (Video Playing)  
14 Q (By Mr. Laux) Did that recording contain a  
15 discussion between you and that officer?  
16 A Yes.  
17 Q Was he telling you, at that time, that you and  
18 Rachael saw different things, or had a different  
19 perspective?  
20 A Yes.  
21 Q Do you know how it is that he knows what you saw?  
22 A No.  
23 Q When he was telling you this, about the importance  
24 of separating witnesses and the things that he said,  
25 what was going on in your mind at this time?

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1 A I just remember wanting to get to my daughter.  
2 Q How would you characterize this experience?  
3 A Absolutely traumatic.  
4 Q In fact, I think I heard you say, "How do people  
5 get over something like this?" Was that you?  
6 A Yes.  
7 Q Did I quote that correctly?  
8 A Yes.  
9 Q What were you referring to?  
10 A What we had just witnessed.  
11 Q And not to belabor the point, but what had you just  
12 witnessed?  
13 A This young man being taken down and shot in our  
14 back yard.  
15 Q Is that what you referred to when you said you  
16 can't believe your house is a crime scene? Or did you  
17 hear something -- I don't want to -- did you hear  
18 anything like that or was I mistaken? It's possible.  
19 A I think I was just looking around at the entire  
20 scene and all the people that were coming -- all the  
21 cars that were coming and it was just surreal is the  
22 best way I can say it.  
23 Q Did you mention something about freedoms?  
24 A Yes.  
25 Q What did you say?

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1 A I did not want to sit in the back of that car.  
2 They kept -- he kept asking me to sit in the back of the  
3 car, and I got in there once and I just couldn't, and it  
4 occurred to me I didn't have to. I just -- I had not  
5 done anything wrong so why should I have to sit in the  
6 back of his car.  
7 Q Were you allowed to leave the car?  
8 A I stood right by it the entire time. I was not  
9 allowed to sit with Rachael, sit with Paul, or go into  
10 my house, so there wasn't anywhere for me to go, so I  
11 just stood by the car and eventually got back in it.  
12 Q When you say "freedoms," you mean like your  
13 personal liberties?  
14 A Just liberties. Personal liberty.  
15 Q Did you mention something about sitting on the  
16 grass?  
17 A Yes.  
18 Q What was that?  
19 A I had just -- I would have preferred to have just  
20 sat on the curb, on the grass -- the curb -- than in the  
21 back in that car.  
22 Q And just -- why?  
23 A I just didn't belong in the back of that car.  
24 Q Did you leave the area of your residence at some  
25 point on that day?

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1 A Yes.  
2 Q And how did that occur?  
3 A In the back of that car.  
4 Q Where did you go?  
5 A The Little Rock Police Department station downtown.  
6 Q And were you in the front seat or the back seat?  
7 A Back seat.  
8 Q You weren't handcuffed, were you?  
9 A No.  
10 Q And I think you already answered this, but did you  
11 have an opportunity to go inside your home before you  
12 went to the LRPD for questioning?  
13 A No.  
14 Q And by that, is it fair to say that they -- the  
15 police didn't allow you to go in?  
16 A That's correct.  
17 Q Did you give a statement or an interview at the  
18 Little Rock Police Department regarding what you had  
19 witnessed that day?  
20 A Yes.  
21 Q Have you ever seen a copy of the transcript of your  
22 statement to the LRPD?  
23 A Yes.  
24 Q Have you ever listened to the audio of your  
25 statement given to the LRPD on that day?

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1 A Yes.  
 2 Q Comparing the two, have you noticed any significant  
 3 difference between them?  
 4 A Yes.  
 5 Q And what was that?  
 6 A Can I refer to it?  
 7 Q If you would like. Did you bring anything with you  
 8 today?  
 9 A I brought the Freedom of Information file that I  
 10 obtained from the Little Rock Police Department two  
 11 months after I requested it.  
 12 Q If that would help you refresh your recollection,  
 13 or if you would feel more comfortable, then I would say  
 14 feel free to --  
 15 A I mean, I can --  
 16 Q -- look at that.  
 17 A -- tell you what it was. It was --  
 18 Q Before you look at the record, why don't you just  
 19 tell me, in your own words what we're talking about.  
 20 A Okay. There was, at one point, where I had said I  
 21 didn't know he had a gun and it was transcribed as I did  
 22 know he had a gun.  
 23 Q So at one point you told an investigator that your  
 24 belief was that Collin did not have a gun. I'm not  
 25 using your words, but you are articulating that he did

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1 not have a gun. And you heard that in your audio?  
 2 A Yes.  
 3 Q And then when you looked at the transcript, it was  
 4 transcribed as Collin did have a gun?  
 5 A Yes.  
 6 Q And that --  
 7 A Or I did know he had a gun and I had said I didn't.  
 8 Q And that's a pretty material difference, isn't it?  
 9 A Yes.  
 10 Q When did you notice this, for lack of a better  
 11 word, discrepancy between those two bits of material?  
 12 A When I listened to the audio.  
 13 Q And when did you listen to the audio for the first  
 14 time?  
 15 A A few weeks ago.  
 16 Q Do you know how long you were questioned,  
 17 approximately, at the LRPD?  
 18 A We were there a good while. I was questioned --  
 19 actually questioned, the best of my recollection, maybe  
 20 a half hour or so.  
 21 Q Did you have any opinion as to the thoroughness of  
 22 the questioning that you received?  
 23 MR. CARPENTER: Objection as to form. You  
 24 can answer.  
 25 Q (By Mr. Laux) Let me withdraw it.

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1 Do you have any opinion of the investigator who  
 2 asked you questions?  
 3 A I feel like there were a lot of questions not asked  
 4 that should have been.  
 5 Q Like any off the top of your head that you can come  
 6 up with?  
 7 A Honestly, it just -- it felt almost like they were  
 8 just asking questions that would -- rather than trying  
 9 to get to the bottom of what actually happened, just  
 10 trying to ask questions to confirm the legitimacy of  
 11 what had just happened. That's the best way I know how  
 12 to say it.  
 13 Q It seemed to you that the questions that you were  
 14 asked were tailored toward justifying the shooting?  
 15 A Yes.  
 16 Q How long were you at the LRPD that day, all total?  
 17 A I think --  
 18 Q Approximately.  
 19 A I mean, we set out in the cars for a little while,  
 20 so if we got there, say, by 11:00, I think we were  
 21 brought back around 2:00 -- a little before 2:00.  
 22 Q And how did you get home?  
 23 A A policeman took the three of us home.  
 24 Q Did you get to be in the same car at that point?  
 25 A We were in the same car at that point.

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1 Q And were you all in the back seat?  
 2 A Yes.  
 3 Q Was anybody at your home when you got there?  
 4 A Yes.  
 5 Q Who?  
 6 A A lot of people. There were still several cars out  
 7 there.  
 8 Q Just people from the --  
 9 A Yeah, I mean --  
 10 Q -- neighborhood?  
 11 A No, Little Rock Police people, or crime scene  
 12 people, or --  
 13 Q Officers and analysts?  
 14 A Yeah, people of authority, not neighborhood people.  
 15 Q Got you. And what were those individuals doing at  
 16 the time?  
 17 A They were in my house and in my back yard.  
 18 Searching my house and tearing up my back yard.  
 19 Q To your knowledge, were the police inside your home  
 20 while you were being questioned?  
 21 A I don't know. I would assume, but -- to my  
 22 knowledge, I don't know.  
 23 Q And that's -- we talk about speculation, right?  
 24 A Right.  
 25 Q You're a great witness.



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1 But I guess the question would be, to your  
2 knowledge, the police had the means to enter your home  
3 while you were gone; is that a fair statement?  
4 A Yes.  
5 Q How many officers did you see inside your home, at  
6 any time, once you returned?  
7 A Well, when we first returned, I asked about my dogs  
8 and they said that my sister had them. And then one  
9 said, well, she has your boxer; your dachshund is under  
10 the bed. I asked if I could go in and get my dachshund  
11 -- because they wouldn't let us actually come back into  
12 the house at that point, so we were going to go down the  
13 street to my sister's -- and so they said I could get my  
14 dachshund. And I said, he's old, he's got to be  
15 completely stressed out, so I went and got my dachshund  
16 from underneath the bed. And when I walked in there,  
17 there was someone in the kitchen area, there was someone  
18 in Rachael's room area, and then the person that walked  
19 with me, or behind me, to go get my dog. So three that  
20 I saw.  
21 Q And did you then go to your sister's house with  
22 your dog?  
23 A Yes.  
24 Q Good thing she lived close by.  
25 A Yes.

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1 Q Do you know when the police left your home that  
2 day?  
3 A It was a couple hours, still. I would best  
4 estimate it about 4:00 to 5:00.  
5 Q When were you allowed peaceable entrance into your  
6 home without any intrusions?  
7 A They came back down -- they knew -- we had told  
8 them -- once I did that, I told them we would be at my  
9 sister's house, and the address, and pointed it out to  
10 them -- you can actually see it from my house -- and  
11 they actually came down and told us that they were  
12 finished and we could go back. About 4:00 or 5:00.  
13 Q And I think you said they took Rachael's car with  
14 them, right?  
15 A Yes.  
16 Q Do you know if they took anything else with them?  
17 A They took Collin's car, which was parked out front.  
18 Q And did Collin have a car?  
19 A It was an SUV.  
20 Q And you said it was parked out in front?  
21 A In the front of the house.  
22 Q Does that mean that it was on Gillette?  
23 A Yes.  
24 Q And was it on the side of the street closer to your  
25 home or across the street?

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1 A Closer.  
2 Q How far would you say that was from your front  
3 door?  
4 A The length of the lawn.  
5 Q And for those of us who aren't familiar with your  
6 house, any way you could estimate that?  
7 A I'm terrible at this, but --  
8 Q Paces?  
9 A Thirty -- thirty-five.  
10 Q Thirty-five paces or so?  
11 A Yes.  
12 Q The attorney that you retained, did that cost you  
13 money?  
14 A Yes.  
15 Q To this day, have you ever seen any kind of warrant  
16 for Rachael related to any of this?  
17 A No.  
18 Q Following your questioning at the LRPD, were you  
19 ever contacted with any follow-up questions?  
20 A No.  
21 Q Anyone ever ask you to clarify any statements that  
22 you had given?  
23 A No.  
24 Q And did you ever hear from the LRPD about the  
25 shooting ever again?

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1 A No.  
2 Q Did you ever, yourself, try to contact the  
3 Prosecuting Attorney's Office?  
4 A Yes.  
5 Q When did that happen?  
6 A As soon as they released the file -- actually,  
7 before they released the file, I tried to call them a  
8 few times, and then, on two separate occasions, spoke  
9 with Jim Johnson at the Prosecuting Attorney's Office.  
10 Q Could his name be John Johnson?  
11 A John Johnson, that's correct.  
12 Q And you spoke with him on the telephone?  
13 A Yes.  
14 Q How many times did you speak with him on the  
15 telephone?  
16 A Twice.  
17 Q Were the discussions pretty much the same type of  
18 discussion?  
19 A It was me asking him --  
20 Q Well, let me withdraw the question.  
21 Why don't you just tell me what the subject matter  
22 was and how the conversation went on either of the  
23 times.  
24 A I called him to ask him -- you know, to make myself  
25 and my children available to come down to discuss this

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1 matter, and I was surprised that I hadn't heard from him  
2 -- from the Prosecuting Attorney's Office, not him in  
3 particular -- and wanted to make ourselves available.  
4 Told him that we all felt like what had happened in our  
5 back yard was completely wrong.  
6 Q And you wanted to make yourself available to  
7 provide information that you had that you thought might  
8 be material to an investigation?  
9 A Yes.  
10 Q And did Mr. Johnson say anything in response?  
11 A He did.  
12 Q And what was that?  
13 A He said that I was shadow boxing and that he needed  
14 to go because he was working on an important case.  
15 Q When you say "needed to go," you mean he had to  
16 stop talking with you --  
17 A Yes.  
18 Q -- because he had something more important to do?  
19 A Yes.  
20 Q And shadow boxing, are those his words or your  
21 words?  
22 A Those are his words. I had to actually look up  
23 what that meant. I didn't understand what he had just  
24 told me I was doing.  
25 Q Once you looked up and learned what it meant, how

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1 did that make you feel?  
2 A Not very good.  
3 Q How would you describe his demeanor with you, or  
4 his concern for your concerns?  
5 A I would describe it as not concerned at all, and  
6 just wanting to get me off the phone so he could go  
7 about his day.  
8 Q Did you ever give a copy of the investigation file  
9 to anyone?  
10 A Yes.  
11 Q And who did you give it to?  
12 A Mr. Spradling; Mike Spradling.  
13 Q Why did you do that?  
14 A I actually asked my daughter if he wanted a copy,  
15 and he did, and so I gave him one.  
16 Q Was there any audio or video recordings in the file  
17 that you gave him?  
18 A No.  
19 Q At that point, were you aware that any audio or  
20 video existed relating to the incident?  
21 A No.  
22 MR. LAUX: I'm going to mark Plaintiff's  
23 Supplemental Disclosures Number 2 as Exhibit  
24 Number 1 in this matter. To the extent that I  
25 referred to MVR videos as being Exhibits 1

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1 through 3 or something like that, they will be  
2 entered as exhibits following Exhibit 1. So  
3 the MVR recordings will either be Exhibit 2 or  
4 Exhibits 2 through 4. And then, of course, the  
5 final word is how they wind up in the record,  
6 so it should be self explanatory.  
7 (WHEREUPON, Exhibit Number 1 was marked for  
8 identification and is attached hereto.)  
9 Q (By Mr. Laux) Christina, I'm going to show you  
10 what I've just marked as Exhibit Number 1, which is  
11 Plaintiff's Supplemental Disclosures Number 2. I'm  
12 going to ask you to have a look at this document,  
13 please, and tell me -- the underlying document, and tell  
14 me if you recognize that.  
15 A I do.  
16 Q That letter, apparently, is to a person named Mike.  
17 Who is that?  
18 A Mike Spradling.  
19 Q And who drafted that?  
20 A I did.  
21 Q Why did you draft that?  
22 A I wanted -- Mike wasn't there to see what happened,  
23 yet it was Mike that needed to get an attorney to get  
24 some justice for his son. I couldn't do it. I tried to  
25 call attorneys. That -- his dad needed to do it, yet he

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1 wasn't there. And so at the time that -- I had gotten a  
2 copy of the file, and Rachael was still going over there  
3 regularly.  
4 Q Over there, meaning where?  
5 A Over to the Spradling's house. And she was still  
6 visiting them regularly. And I asked her to ask Mike if  
7 he wanted a copy of the file, which she did, and he said  
8 he did. So when I sent the file over, I had already  
9 gone through it and I wanted him to know, you know, what  
10 my take on it was --  
11 Q And would your take --  
12 A -- who was there.  
13 Q As an eyewitness?  
14 A As an eyewitness.  
15 Q And when you say, your take, you mean to say your  
16 observations?  
17 A Right. He wasn't there, I was, and so I felt it  
18 was important to --  
19 Q And not just your observations, but also your  
20 questions?  
21 A Yes.  
22 Q And your concerns?  
23 A Yes.  
24 Q And are those articulated in Exhibit Number 1,  
25 which is what you're holding?

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1 A Oh, this is -- okay. Yes.  
2 Q And generally speaking, do you feel the same way  
3 about things contained in that letter now as you did  
4 when you wrote it?  
5 A Yes.  
6 Q Do you mention Mr. Johnson in that letter?  
7 A I do.  
8 Q I am just about finished, but we're going to do a  
9 couple more exhibits. I'm just not thinking straight  
10 today. So I'm going to show you -- just to make things  
11 more confusing.  
12 MR. CARPENTER: Why don't we just agree  
13 that whatever the tapes will be, will be the  
14 last three exhibits, or the last exhibit, and  
15 then we can keep sequential order that way.  
16 MR. LAUX: Sounds good, Tom. Thank you.  
17 Q (By Mr. Laux) So these are Exhibits 2 through 4,  
18 and these are photographs. I'm going to have the court  
19 reporter mark them and then I'm going to show them to  
20 you.  
21 A Okay.  
22 MR. LAUX: And also Number 5, please.  
23 (WHEREUPON, Exhibits Number 2 through 5  
24 were marked for identification and are attached  
25 hereto.)

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1 Q (By Mr. Laux) Can you tell me what is depicted in  
2 Exhibit Number 2.  
3 A My daughter's car.  
4 Q And can you describe that car, briefly, for the  
5 record.  
6 A It was a Honda Civic. I can't remember the year  
7 now -- 2008, 2009. She's had a few cars since then.  
8 Q But it's a white Honda?  
9 A It's a white Honda Civic.  
10 Q The next two exhibits I'm going to show you might  
11 be just a little difficult to look at, but they were --  
12 have a look at them if you could; so Exhibits 3 and 4.  
13 So, first, 3 is -- what's depicted on Exhibit Number 3?  
14 A It's my back patio with Collin.  
15 Q Does that accurately and fairly depict your back  
16 patio as it looked on July 16, 2008?  
17 A Yes.  
18 Q And where Collin is there, is that approximately  
19 where you recall the incident taking place?  
20 A Yes.  
21 Q Is that where his body generally was during this  
22 incident?  
23 A Yes.  
24 Q And there appears to be something of a wall there  
25 next to him.

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1 A Yes.  
2 Q Is that the wall or ledge you were referring to  
3 before?  
4 A Yes.  
5 Q And so when you say that you and your daughter were  
6 on that ledge, briefly, prior to the shooting, does that  
7 mean that you were near, say, the ADT sign there?  
8 A Yes.  
9 Q That's all I have for that. And then, again,  
10 Exhibit 4 is similar. Does Exhibit 4 accurately and  
11 fairly depict your back patio on the date of loss?  
12 A Yes.  
13 Q And that's another picture of Collin there; is that  
14 true?  
15 A Yes.  
16 Q And your door is open there; is that right?  
17 A Yes.  
18 Q Were you present when this photo was taken?  
19 A No.  
20 Q So we can -- we know that your door was open while  
21 you were gone, right?  
22 A Yes.  
23 Q As to Exhibit 2, that was your daughter's car, does  
24 that fairly and accurately represent her car as it  
25 appeared then?

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1 A Yes.  
2 Q And then, finally, because you mentioned it during  
3 your testimony, I'd like to show you Exhibit Number 5,  
4 which is a photograph of an SUV. Do you recognize whose  
5 car that is?  
6 A Yes.  
7 Q Whose is it?  
8 A Collin's.  
9 Q And is that -- first, does that picture fairly and  
10 accurately represent the front of your residence July of  
11 2008?  
12 A Yes.  
13 Q And is that approximately where you recall Collin's  
14 truck being parked on that day?  
15 A Yes.  
16 MR. LAUX: It may very well be that Mr.  
17 Carpenter has questions for you, but I am  
18 finished for the time being. Thank you very  
19 much for your testimony.  
20 MR. CARPENTER: We need to take a little  
21 break.  
22 (WHEREUPON, after a break was taken, the  
23 proceedings resumed as follows, to wit:)  
24 EXAMINATION  
25 BY MR. CARPENTER:

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1 Q Ms. Hatfield, my name is Tom Carpenter. I'm the  
2 City Attorney for the City of Little Rock, and this is  
3 LaTonya Austin, she's a Deputy on my staff, and we  
4 represent the officers and the City in this case.  
5 I've never met you before. I did make a phone call  
6 to you, once, but we never made connections. I left a  
7 message at the 377 -- well, let me clarify that. The  
8 number I had at Stephens was 377-2153. Is that still  
9 your number?  
10 A That is, and I did not get that message.  
11 Q Believe me, not calling the City Attorney back is  
12 nothing unusual, unless there's a pothole in front of  
13 your house.  
14 Let me get a little background information. You  
15 were born in Iowa.  
16 A Yes.  
17 Q And you went to Mount St. Mary's and you graduated  
18 in 1980.  
19 A Yes -- '81.  
20 Q Were you in Sister Deborah's class?  
21 A Sister Deborah Troillet?  
22 Q Troillet, yeah.  
23 A I know her cousins, but I did not know her.  
24 Q Now, I can be mean and say, which cousin, because I  
25 think there's about 67 --

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1 A There's a lot.  
2 Q -- of them, but I won't.  
3 A But Sister Deborah is older than me.  
4 Q Did you go to college after that?  
5 A UALR.  
6 Q And what did you major in?  
7 A I majored in marketing.  
8 Q Did you go four years straight through?  
9 A Three years.  
10 Q And you have a bachelor's degree.  
11 A No.  
12 Q What -- do you have a degree?  
13 A I did not finish, no.  
14 Q But you're working, you said, with a team that  
15 sells -- well, I'll let you describe it.  
16 A They sell equities, which are stocks, to mutual  
17 funds and hedge funds. And we're divided by territory,  
18 and I'm with the team -- I assist the team that sells to  
19 New York -- the New York territory, which encompasses  
20 some of Connecticut and New Jersey as well.  
21 Q And do you have to have any type of licensure or  
22 certification to be able to do that?  
23 A Yes.  
24 Q So you've had some additional education beyond  
25 college.

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1 A Yes.  
2 Q Could you describe that, please.  
3 A It's a License Series 7 and Series 63. The Series  
4 63 is the state license and the Series 7 is the, I  
5 guess, federal license.  
6 Q Which one of them -- one of them is like a real  
7 bear. Which one is that?  
8 A The seven.  
9 Q And you -- how long have you been with Stephens?  
10 A Twenty-three years.  
11 Q Who -- and you said the person in charge of your  
12 team. Who is that?  
13 A The department manager is Bob Staten. My team  
14 leader is Blake James.  
15 Q I know Mr. Staten. I do not know Mr. James.  
16 MR. CARPENTER: Can we go off the record  
17 just a second.  
18 (WHEREUPON, after an off-the-record  
19 discussion, the proceedings resumed as follows.  
20 to wit:)  
21 Q (By Mr. Carpenter) Now, I want to go to Exhibit  
22 Number 1, the disclosure statement -- it's got the  
23 disclosure Number 2 on it, but it's basically your  
24 letter to Mr. Mike Spradling.  
25 A Yes.

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1 Q Do you know when you sent this?  
2 A If I obtained the file within a couple of months of  
3 the incident, it was not too long after that. It would  
4 have been within a few weeks, probably, to a month.  
5 Q So if --  
6 A So maybe three or four months later.  
7 Q But you sent the letter with the file; is that  
8 correct?  
9 A Yes.  
10 Q And that was done -- let's say you got the file in  
11 November, for example. If you got the file in November,  
12 that was done no later than the following June; is that  
13 correct?  
14 A Yes.  
15 Q Is that accurate? Now, the file that you say you  
16 got, how long was it? How many pages?  
17 A I actually brought the file that I got with me. A  
18 few hundred.  
19 Q Can you show it to us, please. It looks like a  
20 ream.  
21 A Yes.  
22 Q You're showing me what looks to be, virtually, a  
23 ream of paper. I'm not going to introduce this as an  
24 exhibit, but I want to ask, have I described that  
25 correctly?

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1 A Yes.  
2 Q So someplace between 400 and 500 pages or more?  
3 A Yes.  
4 Q And you gave every page to Mr. Spradling by June,  
5 after the incident in July of 2008?  
6 A Yes. Well, I gave it to my daughter to give to  
7 him.  
8 Q Do you know if she gave it to him?  
9 A I believe so, yes.  
10 Q So we would have to ask her exactly when --  
11 A Yes.  
12 Q -- she turned it over to him? Now, this -- was  
13 this letter the first communication of any type that you  
14 had with Mr. Spradling -- Mr. Mike Spradling or any  
15 member of his family, not including Collin?  
16 A No.  
17 Q When do you think the first communication you had  
18 with, I'll say, Mike Spradling? And if it was Mrs.  
19 Spradling, for example, if you could just say, "Well, I  
20 talked to Mrs. Spradling." So when was the first  
21 communication you had with the Spradling's?  
22 A The day of the incident.  
23 Q And tell me about that.  
24 A My daughter and I went over to their house that  
25 evening --

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1 Q Go on.  
2 A -- to check on them and let them know what  
3 happened.  
4 Q Was anybody there when you were there?  
5 A Both Mike and Judy Spradling were there; their  
6 daughter, Megan; and her husband, whose name I can't  
7 think of right now -- Andrew, I think.  
8 Q Anybody else?  
9 A No.  
10 Q Did anybody come while you were there?  
11 A No.  
12 Q And do you have an approximation as to how long you  
13 stayed there?  
14 A Ten minutes.  
15 Q In the course of that ten minutes, I take it you  
16 expressed condolences. Did you talk about anything else  
17 in terms of the incident that had occurred earlier that  
18 day?  
19 A I told them that their son didn't deserve to die  
20 today.  
21 Q And did you describe any why you said that, or did  
22 you describe why you meant that?  
23 A I think, briefly, I did. And -- it's been a while  
24 -- I remember at that point, through friends of  
25 Rachael's, we had been hearing that -- we had been

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1 hearing misinformation. We had been hearing that Collin  
2 was -- the friends were saying that Collin had been  
3 killed while trying to break into our house, and just  
4 different things that were wrong, and so I went there to  
5 make sure they knew what had happened, and that their  
6 son hadn't done anything wrong that day.  
7 Q And in terms of -- one of the things you heard was  
8 Collin was killed attempting to break in. Did you --  
9 was there any other scenario that you can remember --  
10 and take a moment, I know it's been a while -- that you  
11 can remember you heard that Collin had done this, or you  
12 had heard that, that you expressed to them that night?  
13 And if you can't remember, that's okay.  
14 A I don't remember. I'm trying to think, and I  
15 don't.  
16 Q When you told them that he had not done anything  
17 wrong, how did they react?  
18 MR. LAUX: I just object to the form, but  
19 go ahead.  
20 Q (By Mr. Carpenter) When you told Mr. and Mrs.  
21 Spradling what you said a second ago, that he hadn't --  
22 well, what did you tell them? You said he didn't  
23 deserve to die that day. What else did you tell them?  
24 A I told them that he hadn't done anything wrong --  
25 Q And when --

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1 A -- and that he -- we told them that he did not pull  
2 a gun. That was -- that jogs my memory. That is  
3 another scenario that we had heard, that he had come out  
4 shooting.  
5 Q And when you say came out shooting, do you mean out  
6 of your house shooting?  
7 A Yes, had come out of the house shooting, and that  
8 he pulled a gun.  
9 Q Do you know, from your personal knowledge, if Mr.  
10 and Mrs. Spradling believed that he had come out of your  
11 house shooting?  
12 A They --  
13 Q Had they heard that? I mean, did they say, "We had  
14 heard that," or anything of that nature?  
15 A They had not heard that. I do know what they did  
16 hear.  
17 Q And what had they heard --  
18 A They had --  
19 Q -- that they said to you?  
20 A They had heard that he had been shot trying to  
21 break into our house, so that may have been where I  
22 heard that, that day. That may not have been through  
23 the friend link. The friends were saying that he had  
24 pulled a gun and came out shooting, is what they were  
25 hearing.

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1 Q Is it fair to say that they were relieved when you  
2 told them that he hadn't done anything wrong?  
3 A They were in a complete state of shock. The mother  
4 was just weeping and the father was just stunned.  
5 Q And you said you were there about ten minutes, and  
6 this was the first time.  
7 A Yes.  
8 Q Can you give me an approximation of the next time  
9 that y'all talked with them. And I'm not holding you to  
10 dates.  
11 A Right.  
12 Q What I'm really going to be asking about is how  
13 often you were in contact. So do you have an idea as to  
14 the next time?  
15 A I do not think I spoke with them again on the  
16 matter until this letter. That was the first day I had  
17 ever met them. I had never met the Spradling's before.  
18 With the one exception that, the attorney that I  
19 retained for Rachael --  
20 Q Mark Hampton.  
21 A -- had asked me to ask the Spradling's to call him,  
22 and I did relay that to Mr. Spradling. That's the only  
23 thing I can remember.  
24 Q And when you say you relayed it to him, to clarify  
25 the time frame, this was after your first visit?

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1 A This was after my first -- oh, yes, with the  
2 Spradling's.  
3 Q So at some time between the first visit and the  
4 time that you sent the file over?  
5 A Yes.  
6 Q Did Mr. Hampton tell you why he wanted them to call  
7 him?  
8 A No.  
9 Q And how did you relay that message to the  
10 Spradling's?  
11 A I called Mr. Spradling.  
12 Q And you spoke to him directly?  
13 A Yes.  
14 Q Did he ask you any questions like, "What does he  
15 want?" Or how did that conversation go?  
16 A No, he didn't. Mr. Spradling is a man of few  
17 words.  
18 Q Did you give him contact information on how to get  
19 a hold of Mr. Hampton?  
20 A Yes.  
21 Q And then the next time I think we're now at is when  
22 you sent the letter and the file through your daughter.  
23 A Yes.  
24 Q After that, did they respond to the letter or the  
25 file?

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1 A No.  
2 Q When was the next time you had contact with them,  
3 that you remember, after you sent the letter and the  
4 file?  
5 A This is -- it's really kind of interesting. Any  
6 contact was always through my daughter, and it was  
7 always just -- I think an attorney took the case, at  
8 first, Gary Green and Associates, and then just a short  
9 while later, like right after the funeral, they called  
10 and said there was a conflict -- they had come across a  
11 conflict. And then --  
12 Q And when you say "right after the funeral," do you  
13 mean Mr. Collin Spradling's funeral?  
14 A Collin's funeral. And so anything after that was  
15 just me asking Rachael if they had found an attorney  
16 yet.  
17 Q Just so I can clarify, you, personally, spoke on  
18 the night of the incident, and you, personally, spoke to  
19 Mr. Mike Spradling on the telephone about Mr. Mark  
20 Hampton?  
21 A Yes. And we knew it was in regards to what had  
22 happened, but I didn't know what he was --  
23 Q Right. And -- but the file you sent through your  
24 daughter, and then any other communications, were pretty  
25 much through your daughter; is that accurate?

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1 A Yes, other than, I saw them a few times, socially,  
2 after that, and we didn't talk about it. We're talking  
3 about at Christmas parties and things like that.  
4 Getting Tyler, Collin's little son; dropping him off at  
5 the pool, you know; and outings with Tyler.  
6 Q Were these social occasions planned social  
7 occasions or ones that y'all just both happened to be  
8 at?  
9 A They were like the Christmas parties I would have  
10 and Rachael would invite them, and they came that first  
11 year and, I think, the second year. And during those  
12 parties, we never mentioned it.  
13 Q Did they know how to contact you by telephone or  
14 otherwise?  
15 A Yes.  
16 Q And how do you know they knew that?  
17 A During what time frame?  
18 Q From the night of the incident.  
19 A From the night of the incident, they wouldn't have  
20 had my number, but they would have had my daughter's.  
21 and so they were always able to contact me through her.  
22 And then, eventually, we got each other's e-mail  
23 addresses and phone numbers, but I couldn't tell you why  
24 or at what point.  
25 Q When you say you couldn't tell me at what point,

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1 can you give me an estimation? Was it within a few  
2 months of the incident? A year of the incident? How?  
3 A I would say after -- I'd say after a year. It was  
4 really all just communication through my daughter who  
5 was still going over there and visiting with them.  
6 Q Was it more than two years after the incident or  
7 between a year and two years?  
8 A It would be a complete guess on my part. That we  
9 exchanged contact information?  
10 Q Right.  
11 A Probably not more than a year. Probably within a  
12 year. That is a complete guess, though, because I  
13 don't --  
14 MR. LAUX: We don't want you to guess.  
15 A Yeah, it is a -- it's a guess. I do not remember  
16 the circumstances at all that we actually got each  
17 other's phone number. So yeah, it's a guess.  
18 Q (By Mr. Carpenter) Was there -- let me go back to  
19 Exhibit Number 1 again. Was there ever any contact with  
20 the Spradling's about your letter in Exhibit Number 1  
21 and the materials you sent to them?  
22 A No.  
23 Q In -- you've got Exhibit 1 in front of you. If  
24 you'll turn to Exhibit Number 1, to the back page, in  
25 the next-to-the-last paragraph it read, "I hope these

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1 notes help you in your attempts to get an attorney for  
2 your civil action, so we can all try to get some sort of  
3 justice for Collin. I am planning to contact the  
4 Attorney General's Office to continue to pursue criminal  
5 charges against the detectives and, hopefully, the  
6 Harris', although I'm not holding my breath at this  
7 point." I've accurately read that sentence?  
8 A Yes.  
9 Q Now, on the first sentence there, "in your  
10 attempts," what did you -- how did you know they were  
11 attempting to get a hold of a civil attorney?  
12 A I don't know.  
13 Q Let me ask it this way. Did you know they were  
14 trying to get a hold of a civil attorney?  
15 A I know they had Gary Green right out of the shoot,  
16 and then I know that he withdrew from the case very  
17 early on. And, through Rachael, I knew that they --  
18 that attorneys would not return their call. And I had  
19 even sent the name of a couple of attorneys through  
20 Rachael to them.  
21 Q What names did you send?  
22 A There was one -- is it Chip Welch?  
23 Q Yes, Morgan "Chip" Welch.  
24 A Was one. And there was a woman, and I just -- I  
25 cannot come up with her name. But I had actually seen

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1 her on the news and she was doing a similar suit, and so  
2 I thought she might be interested, and I cannot tell you  
3 her name. But I passed that one along as well.  
4 Q Were those names passed on in that same time  
5 period, that one -- between a year and two years after  
6 the incident?  
7 A Yes.  
8 Q If you should, at some point, have your memory  
9 jogged, or remember the name of the female attorney,  
10 would you mind letting us know?  
11 A Sure. And I actually tried to call Chip Welch,  
12 myself.  
13 Q Tell me about that.  
14 A He wouldn't return my call. I tried four or five  
15 times.  
16 Q So you've had these contacts. Was there a next  
17 contact you had with him where you discussed the  
18 incident, itself, of July 2008?  
19 A No.  
20 Q And as we sit here today, that is all the contacts  
21 you've had with him to discuss this incident?  
22 A In regards to this incident, the day of the  
23 incident, and then passing along this folder with this  
24 note, and then passing along attorneys names, that's it.  
25 We didn't know each other.

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1 Q Right. How long did Rachael -- and I don't need an  
2 exact, if it was 14 months. About how long did Rachael  
3 continue to go over to visit with them, if you know?  
4 A I would say, within the first six months of the  
5 incident, fairly routinely. After that, it was just to  
6 go and lay in Collin's bed. And after that, it was just  
7 picking up Tyler, his little boy, and taking him to the  
8 zoo, movies, pool.  
9 Q Did Tyler live with the Spradling's?  
10 A He lives with his mother, but he spends more time  
11 at the Spradling's than he does with his mother,  
12 especially during the summertime.  
13 Q And for the record, the mother is not your  
14 daughter, Rachael.  
15 A Correct.  
16 Q When did you first come into contact with Mr. Laux?  
17 A I actually remember the date, because I was getting  
18 my house ready for my sister's 50th birthday party, and  
19 so it was August 3, 2012.  
20 Q And since that contact, how many contacts have you  
21 had with Mr. Laux?  
22 A Four.  
23 Q Have they been in person, or by phone, or by  
24 letter? How have the contacts occurred?  
25 A By phone.

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1 Q Until today?  
2 A And e-mail.  
3 Q Do you still have those e-mails?  
4 A I do. So there may be four with e-mailing, but it  
5 was -- yeah, that was just sending me the audio file and  
6 that type of stuff.  
7 Q When -- let's go to the incident itself. You were  
8 in the back yard working in the yard is what you  
9 testified to earlier.  
10 A Yes.  
11 Q Were you alone in the back yard at that time?  
12 A Yes.  
13 Q And when the police came in, you were -- were you  
14 still alone in the back yard or was there anyone else  
15 with you?  
16 A I was alone.  
17 Q When you went to tell Collin and Rachael that the  
18 police were there and wished to speak to them, was there  
19 anybody else in the back yard beside the police?  
20 A No.  
21 Q When your daughter, Rachael, came out, which was,  
22 as I understand it, if I'm correct, pretty much when you  
23 came back from there, was there anybody else in the back  
24 yard beside the police?  
25 A No.

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1 Q When Collin came out a few moments later, was there  
2 anybody else in the back yard except Collin, Rachael,  
3 and you and the police?  
4 A No.  
5 Q When did your son, Paul, come into the back yard?  
6 A I'm not -- I was surprised to see him there. I  
7 don't know is the answer.  
8 Q When you say "I was surprised to see him there,"  
9 where did you -- this is -- I need to get my exhibit. I  
10 am going to show you, and mark for identification  
11 purposes, what will be Exhibit 6 to this deposition. It  
12 is a black and white photo of a previous exhibit. I am  
13 giving you a red pen -- unfortunately, it's fine lined  
14 -- and I'm handing you the exhibit, and I'd like you to  
15 mark, if you would, where you say you were at the time  
16 that the officers struggled with Mr. Spradling -- with  
17 Collin Spradling.  
18 (WHEREUPON, Exhibit Number 6 was marked for  
19 identification and is attached hereto.)  
20 A (Witness put an "X" on the exhibit.)  
21 Q (By Mr. Carpenter) And you put an "X" there. And  
22 put a circle around that "X", if you would, please.  
23 A (Witness put a circle around the "X" on the  
24 exhibit.)  
25 Q Where was your daughter at the time you were at the

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1 place marked circle "X"? And what I'd like you to put  
2 is a circle "XD".  
3 A (Witness put a circle "XD" on the exhibit.)  
4 Q And where was Paul? Paul, your son.  
5 MR. LAUX: How should she indicate it?  
6 Q (By Mr. Carpenter) Oh yeah, circle "XS".  
7 A (Witness put a circle "XS" on the exhibit.) If I  
8 recall, the ledge goes this way too, and he was standing  
9 up on it.  
10 Q So how -- Paul was standing on the ledge. And  
11 between Paul and Mr. Collin Spradling, was this table in  
12 that location at the time?  
13 A Yes.  
14 Q And where were the officers? And what I would do  
15 is just put as many as you can remember, because you  
16 indicated earlier you weren't sure of the numbering.  
17 But just put "P-" and whatever the number you can  
18 remember. Where were they at this time?  
19 MR. LAUX: Just for clarity sake, you began  
20 this line of questioning by asking where people  
21 were during the struggle. Do you mean that to  
22 be the time frame throughout all these?  
23 MR. CARPENTER: Yes. Very good.  
24 Q (By Mr. Carpenter) And I'm not going to ask you to  
25 identify the -- did you know who the officers were or

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1 just know that they were officers?  
2 A Yes, I just knew that they were officers.  
3 Q Right. I'm not going to ask you to identify them,  
4 just P-1 and whatever number you come up with, please.  
5 A (Witness put P-1 through P-3 on the exhibit.)  
6 Q Now, I've got -- in this Exhibit 6, I've -- this is  
7 a photograph taken after the incident, so Mr. Spradling  
8 is on the ground. At the time that P-1, P-2 and P-3  
9 were there, was Mr. Spradling standing or on the ground?  
10 A On the ground.  
11 Q Were P-1, P-2 and P-3 standing or on the ground?  
12 A They were over him. So they weren't standing, they  
13 were on him.  
14 Q On top of him?  
15 A On top of him.  
16 Q Now, where you and your daughter were located, with  
17 them on top of him, how well could you see Collin  
18 Spradling?  
19 A I could see his head. I could see his legs. I  
20 couldn't see his core very well.  
21 Q Let's go back to the file again that you received  
22 under FOI from the police department. You had testified  
23 that you wanted to find out -- tell me how you came  
24 about FOI'ing it. And what I'm really asking is --  
25 well, tell me how you came about FOI'ing it.



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1 A I couldn't believe that there wasn't going to be an  
2 investigation about this from the Prosecuting Attorney's  
3 Office. And when Mr. Johnson was telling me that I was  
4 shadow boxing and he had important matters to attend to,  
5 he had said, "You can read the file when it's released  
6 and then see what you think."  
7 Q So this is before your FOI was made?  
8 A Yes.  
9 Q Now, did you ask him for a copy of the file?  
10 A No.  
11 Q When did you ask for a copy of the file? Or let me  
12 put it this way, I've got -- I don't have it with me.  
13 I've got a thing that you marked. It's got a date on  
14 it. And is that when you asked for a copy of the file?  
15 A Yes.  
16 Q And that's where I got the November date. I don't  
17 have it right here in front of me.  
18 A It's right here.  
19 Q Oh, November the 4th.  
20 A Yes.  
21 Q So this conversation with Mr. Johnson about, you  
22 can see the file, was sometime before November the 4th?  
23 A Yes.  
24 Q Now, did you -- how did you know when to ask for  
25 it?

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1 A I had to keep calling and seeing when it was  
2 available.  
3 Q And who did you keep calling?  
4 A The Little Rock Police Department.  
5 Q Do you have any memory as to who you talked to?  
6 A No.  
7 Q Once you found out it was available, did you just  
8 ask for the file, or did they tell you, you had to make  
9 a request, or what?  
10 A I asked for a copy of the file.  
11 Q What were you told?  
12 A I was told it'd be ready at this time.  
13 Q And how long after that -- after -- how long did it  
14 take to get ready?  
15 A It was either the next day or the same day. I  
16 can't remember. It was pretty quickly.  
17 Q Now, this is the file you got in front of you.  
18 This ream of paper is what you've got in front of you.  
19 Have you been through that?  
20 A Yes.  
21 Q Have you read every page of it?  
22 A Years ago, not recently. But yes.  
23 Q I'd like to -- I don't want to introduce it as an  
24 exhibit, but I'm going to go through it and look at some  
25 pages. I'm going to show them to you and ask if you

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1 remember having seen them.  
2 A Okay.  
3 MR. LAUX: I think the pages are numbered,  
4 if you wanted to indicate that.  
5 MR. CARPENTER: And the pages are numbered.  
6 The pages, as any Little Rock police file, are  
7 multiply numbered, because they're prepared at  
8 separate times, but there is a handwriting  
9 sequential numbering of the pages that go in  
10 there.  
11 And Mike, if you can agree, I would offer  
12 as Exhibit 7 the FOI request.  
13 MR. LAUX: Agree to its authenticity or  
14 what do you mean? I don't have a problem with  
15 it.  
16 MR. CARPENTER: We'll mark that as Exhibit  
17 7.  
18 (WHEREUPON, Exhibit Number 7 was marked for  
19 identification and is attached hereto.)  
20 Q (By Mr. Carpenter) I'm showing you what has been  
21 marked as Exhibit 7 to the record, and ask you if you  
22 can identify what that is.  
23 A It's a copy of the Freedom of Information Act  
24 request that I made.  
25 Q And do you know when you first saw that?

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1 A Because the date's here, I would say November of  
2 2008.  
3 Q Thank you. I'm showing you what are marked as  
4 Pages 1 through 5 and say -- of the case -- of the FOI  
5 materials that you provided, and ask if you have ever  
6 seen that before.  
7 A Yes.  
8 Q Do you know when you first saw it?  
9 A When I got the file in November of 2008.  
10 Q Now, when you got the file in November of 2008, how  
11 long was it before you sat down and started reading it?  
12 A Right away.  
13 Q And how long was it before you completed reading  
14 it, if you remember?  
15 A I think I read it in two sittings.  
16 Q Two sittings?  
17 A So by the next day.  
18 Q Would you look through that. I know I've asked you  
19 to look through and see if you've seen it before. I  
20 want you to read through it, if you need to take a  
21 moment to do it. I just need to verify that all the  
22 information that you got in front of you right now was  
23 available to you in November of 2008.  
24 A (Witness paging through Exhibit 7.) I didn't read  
25 it word for word, but scanning it, it looks like it is.

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1 Q And that's been in your possession since November  
2 of 2008?  
3 A Yes.  
4 Q And a copy of this was included in the materials  
5 that you gave to Michael Spradling -- or you gave to  
6 your daughter to give to Michael Spradling; is that  
7 correct?  
8 A Yes.  
9 Q Sometime in that day or two is the first time that  
10 you read your particular statement.  
11 A Yes.  
12 Q Now, you testified on direct examination that you  
13 listened to a tape a short time ago. Was it a couple of  
14 weeks?  
15 A A few weeks ago.  
16 Q And that was when you noticed that there was a  
17 distinction where you say you said I didn't see a gun  
18 and the transcript of your statement says that you did  
19 see a gun?  
20 A Yes.  
21 Q When you read your statement, as you were reading  
22 through this report the first time, did anything strike  
23 you as being inaccurate?  
24 A No.  
25 Q What other inaccuracies, from listening to the

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1 audio tape, did you notice?  
2 A There was once or twice I have it marked where it  
3 said inaudible and I was actually able to understand  
4 what I said.  
5 Q Where is that marked? Is it on this one?  
6 A Yes.  
7 Q Good. I'll let you find it. And your statement  
8 should be Page 111 -- start at Page 111.  
9 A Just like on Page 118 where it says inaudible,  
10 towards the bottom. I heard, the scuffle.  
11 Q T-H-E scuffle?  
12 A The scuffle, yes.  
13 Q Any more?  
14 A On Page 120, the very top says inaudible. I heard,  
15 did not see his face at the time. And then I actually  
16 repeated it again down there.  
17 Q Was there something else on that same page?  
18 A I just -- I said, no. I said, just two sentences  
19 later, you could see where I repeated it. But that's  
20 what I heard during the inaudible. I believe that was  
21 it.  
22 And then, of course, Page 128 where it says I did  
23 know he had a gun on him, I said I didn't know he had a  
24 gun on him.  
25 On Page 140 where it says or a pipe or a bomb, I

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1 had said bong. Third sentence down.  
2 Q Bong instead of bomb.  
3 A Bong, B-O-N-G. That's it.  
4 Q If we can go back to Page 128 for just a second.  
5 If we read -- I'm going to start where it has Hudson:  
6 Inaudible. Do you got that in front of you?  
7 MR. LAUX: What page?  
8 MR. CARPENTER: 128.  
9 A Got it.  
10 Q (By Mr. Carpenter) That's when you make the  
11 statement, but I mean, I did know he had a gun on him.  
12 And Detective Hudson responds, I believe you.  
13 A Yes.  
14 Q And then you say, but then it was like, after that,  
15 I realized he has the gun, because they had not left  
16 from that point on.  
17 A Yes.  
18 Q So as I'm understanding that, it sounds like  
19 Detective Hudson understood you said he didn't have a  
20 gun; is that correct?  
21 MR. LAUX: I just got to object to the  
22 foundation of that question. Please don't  
23 speculate.  
24 Q (By Mr. Carpenter) Go ahead and answer, if you  
25 can.

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1 A I'm sorry?  
2 Q I'm sorry, we didn't tell you this in the rules.  
3 Lawyers object in depositions, there's no judge there to  
4 rule whether or not a question is proper, so once the  
5 objection is made, then, if the witness is able to  
6 answer, they need to go ahead and answer.  
7 So the question is, but I mean I did know he had a  
8 gun on him. Detective Hudson said, I believe you. And  
9 then you said, but then it was like, after that, I even  
10 realized he has a gun, because they had not left from  
11 that point on. What do you think Detective Hudson meant  
12 when he says, I believe you?  
13 MR. LAUX: Same objection.  
14 Q (By Mr. Carpenter) Go ahead, please.  
15 A I'm not sure what he heard me say, so I can't  
16 answer that.  
17 Q Did Collin have a gun at your house?  
18 A At my house, yes.  
19 Q And he had that on the day -- or when did he --  
20 when did you know that Collin had a gun at your house?  
21 A The night before.  
22 Q Which would be July the 15th of 2008?  
23 A Correct.  
24 Q And how did you know that Collin had a gun at your  
25 house?

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1 A He showed it to me.  
2 Q Tell me about that.  
3 A He -- my daughter worked -- my daughter's a nurse  
4 and she was working at a nursing home on John Barrow,  
5 and she was working the night shift, the 7:00 p.m. to  
6 7:00 a.m. shift, and she was going to the Taco Bell  
7 there on John Barrow for lunch, and Collin found out  
8 about that and he wasn't happy about that. He thought  
9 -- didn't think that was safe, and so he wanted to teach  
10 her how to use a gun, and take her to get a concealed  
11 weapons carry permit and all that. And so he -- Rachael  
12 -- we're not gun people. Rachael was not interested in  
13 that. So he actually presented the idea to me, I think,  
14 hoping that I would support him on that so that she  
15 could do that, and I didn't. I told him she just needs  
16 to quit going to Taco Bell. And he --  
17 Q And "on that," you mean on having a gun?  
18 A Yes.  
19 Q Go ahead.  
20 A And so, yes, I did not support her having a gun and  
21 him teaching her how to use a gun, anything about guns.  
22 And so he showed it to me the night before, because he  
23 just -- it was just a little gun and he just thought it  
24 would look -- you know, just a little something. And I  
25 took one look at it and said, "She'll shoot her fingers

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1 off." And so he showed it to me the night before, for  
2 that reason.  
3 Q Let me stop there for just a second. Can you  
4 describe the gun for me?  
5 A Yes.  
6 Q Please.  
7 A It was little. I mean, it was like, I don't think,  
8 as big as my hand, the whole thing. And it was black.  
9 And it did not have a barrel.  
10 Q A barrel for revolver?  
11 A Right. It had like a clip or slide, yeah.  
12 Q The day that he was shot, do you know if the police  
13 found a weapon on him?  
14 A No.  
15 Q Did you see a weapon placed anywhere by the police?  
16 A No.  
17 Q When he was showing you this weapon the night  
18 before he was shot, you told her not to go to Taco Bell,  
19 what happened to the weapon? Do you know?  
20 A Rachael had come in the back door at that point and  
21 I had told her, I said, "This whole you learning how to  
22 use a gun thing, huh-uh."  
23 Q How did she take that?  
24 A She was just like -- looked at him like, I told you  
25 there's no way she's going for that, and then they just

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1 went back to her room and I didn't really think about it  
2 again.  
3 Q So he kept the gun with him?  
4 A Yes.  
5 Q I want to go back to your statement for just a  
6 second, to Page 116. About a third of the way down it  
7 has Hatfield, which is you, and so he turned around and  
8 he seemed to be like -- to be putting his hands behind  
9 his back and, you know -- and -- and they said, I think  
10 you know why we're here.  
11 A I'm sorry, I'm not with you. Page 118?  
12 Q I'm sorry, 116.  
13 A Got it. Thank you.  
14 Q I'll start again. And so he -- he turned around  
15 and he seemed to like -- to be putting his hands behind  
16 his back and, you know -- and -- and they said, I think  
17 you know why we're here, and then it's -- it's like they  
18 were going to cuff him and all of a sudden he just -- he  
19 just reared around like this. Who reared around, Mr.  
20 Hudson said, and you said, Collin. And Hudson said,  
21 you're indicating.  
22 What do you mean by "reared around"?  
23 A He was -- you know, if he were facing this way,  
24 which, at that time, was my back door, with his hands  
25 behind him, he reared around like that.

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1 Q Did he keep his hands behind him?  
2 A They -- it was so quick. They -- well, it -- yes,  
3 from what I saw, because the officer already had his  
4 hands behind him. So he reared around and then he was  
5 down, and the officer that had his hands behind him  
6 stayed with him, and they just went down.  
7 Q Is that the point where you were no longer able to  
8 see his hands?  
9 A They converged on him.  
10 Q Right.  
11 A And then, yes, I couldn't see his hands.  
12 Q At the moment that this happened, were you talking  
13 to anybody at the scene?  
14 A No.  
15 Q From the time that you had gone into the house to  
16 get your daughter and Rachael --  
17 MR. LAUX: Collin.  
18 Q (By Mr. Carpenter) -- Collin -- I'm sorry -- and  
19 you came back out, until the scuffle occurred, did you  
20 talk to any police officers?  
21 A From the time I came out the back door to the time  
22 the scuffle occurred? I came out and I said, "This is  
23 my daughter, Rachael."  
24 Q And to whom did you say that? And I don't need you  
25 to give a name, I just --

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1 A There were like three or four of the officers  
2 standing there. And so we walked out and I said, "This  
3 is my daughter, Rachael," and one of them asked her to  
4 sit on the ledge. Kind of took her, you know, and just  
5 asked her to sit there. And at the same time, one was  
6 asking me where Collin was, and I said, "He's coming."  
7 And they said, "Out the front or the back," and I was  
8 kind of like, oh -- just kind of like, oh, I think he  
9 knows we meant back. So I kind of like turned around  
10 towards my glass door, which was directly behind me,  
11 and, as I was, Collin was coming through the glass door.  
12 And I said -- I think I said, "Here he is."  
13 Q And then he walked around you?  
14 A No, he stood directly beside me.  
15 Q I'm showing you again what had been marked as  
16 Exhibit 6. The two of you were here.  
17 A Rachael was sitting on the wall at this time, and  
18 so, at this point, that's me and that's Collin.  
19 Q So he's right beside you?  
20 A Yes.  
21 Q And then when did he walk around you?  
22 MR. LAUX: Object to the foundation.  
23 Q (By Mr. Carpenter) Did he walk around you?  
24 A No.  
25 Q So the scuffle occurred right beside you?

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1 A He reared around and they took him down right  
2 there. So yes, it -- the scuffle occurred right in  
3 front of me.  
4 Q That's what I need to know.  
5 I want you to turn to Page 117, please. About  
6 halfway down, I'll start -- well, about a third of the  
7 way down, I'll start with Hudson.  
8 Hudson: Was this a quick action or --  
9 Hatfield: Very quick.  
10 Hudson: Okay.  
11 Hatfield: It -- it was obvious that he was --  
12 Hudson: Fixing to run?  
13 Hatfield: Going to resist arrest.  
14 Is that your -- you read that?  
15 A Yes.  
16 Q And the night that you got the file, you read that  
17 and agree that that was accurate?  
18 A Yes.  
19 Q So it will be your testimony today that Collin was  
20 resisting the police officers?  
21 A He wasn't going to stand there and be handcuffed.  
22 Q And --  
23 A He was not going to allow that. So if that's --  
24 that's resist, right?  
25 Q Right.

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1 A Okay. So, yes.  
2 Q What was your reaction when you saw him resisting?  
3 A Shock.  
4 Q And why were you shocked?  
5 A Just -- that's just not what you do. You do as the  
6 police tell you to do.  
7 Q Did you say anything to Collin at that point?  
8 A All I -- no, not to Collin. They -- it was -- I  
9 mean, it was instant, they were on the ground, and I  
10 just remember saying, "What is going on?" And then it  
11 was my daughter, and she was screaming and I was trying  
12 to -- that's all I remember saying.  
13 Q Now, do you know if your daughter said anything?  
14 A I remember her yelling his name.  
15 Q And just the name Collin?  
16 A Just Collin.  
17 Q Now, if you would go to the bottom of Page 117,  
18 it's Hatfield, Hudson, Hatfield. I'm going to start  
19 with the first Hatfield.  
20 Hatfield: But anyway, my daughter started to -- to  
21 like, you know, freak out.  
22 Hudson: Right.  
23 Hatfield: And I started to freak out, and my son,  
24 I think -- I'm not sure where he was. Anyway, so they  
25 all had him down on the ground and my daughter, they had

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1 had her sit -- there's a brick patio that goes --  
2 I want to focus on the words "freak out". What do you  
3 mean?  
4 A When they took Collin down and they were all on him  
5 and instantly saw the gun at his head, I heard Rachael  
6 -- I was just like, what is going on, and then Rachael  
7 was going, "Collin, Collin." And I pulled her to me and  
8 she just -- it was just like instantly there were  
9 gunshots and she was just screaming at that point.  
10 Before then, she was the same as me, "Collin, Collin."  
11 And it was a, you know -- I'm sure, just a shock on her  
12 part. I don't know. I would be --  
13 Q Sure. And she will be here to testify.  
14 A Yeah. So that's it, just screaming and me standing  
15 there going, "What's going on," and her yelling his  
16 name.  
17 Q Now, you --  
18 A And seeing all these men. And I've never seen a  
19 gun to somebody's head before. That would describe  
20 freaking out, for me.  
21 Q And the moment you saw the gun to his head, is that  
22 when you began to focus upon your daughter?  
23 A When I saw the gun to his head and my daughter's  
24 feet were right there under his head, yes, absolutely.  
25 Q And you reached over to pull her back?

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1 A Yes.  
2 Q Now, were you looking down when you reached over?  
3 A I looked over at her, I'm sure, and just took her  
4 arm and pulled her towards me.  
5 Q And where did you take her?  
6 A To stand directly beside me.  
7 Q So the two of you were standing right here?  
8 A At that point, I'm here and she's here, because I  
9 had just pulled her up off the wall. Or she actually  
10 had stood up. When they went down at her feet, she  
11 actually stood up, and so then I just moved her over  
12 towards me.  
13 Q How long after that did the shots occur?  
14 A Seconds.  
15 Q When you say your daughter was freaking out, and  
16 you mentioned shock, was she -- besides calling his  
17 name, was she making any other noise?  
18 A No.  
19 Q So she didn't scream?  
20 A Oh, she was screaming, but I don't recall -- I just  
21 recall her saying his name, and then after the shots  
22 were fired is when she started screaming. Before that  
23 it was just, "Collin, Collin, Collin, Baby, Collin," and  
24 then the shots, and then she started to scream.  
25 Q And is it fair to say that, during this period of

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1 time when they take him -- Mr. Spradling down, and you  
2 seen the gun, your focus became laser-like on your  
3 daughter?  
4 A Yes.  
5 MR. LAUX: Just object to the form of the  
6 question.  
7 Q (By Mr. Carpenter) Your focus became protective of  
8 your daughter?  
9 A Yes.  
10 Q That was your major interest?  
11 A I mean, yes, I guess that would be fair to say.  
12 Q If you would turn to Page -- well, wait a minute.  
13 We listened to the -- one of the discs earlier and you  
14 were in the car having a discussion with a police  
15 officer, saying you didn't want to be in the back of the  
16 car. And then sometime after that you were driven down  
17 to the Little Rock Police Station.  
18 A Yes.  
19 Q Did you feel, as you were in the car talking to the  
20 officer, that you were freaking out?  
21 A I was standing beside the car when I was talking to  
22 him.  
23 Q I thought you were in the back seat, at first.  
24 A I was, and then I actually let myself out.  
25 Q Okay.

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1 A And so I was standing beside the car when I was  
2 speaking with him, and I just was in a complete state of  
3 shock. No, I would not consider that me freaking out  
4 then, just stunned.  
5 Q When did you first get your wits about you?  
6 MR. LAUX: Object to the form.  
7 Q (By Mr. Carpenter) Did you get your wits about  
8 you --  
9 MR. LAUX: Object to the form.  
10 Q (By Mr. Carpenter) -- at any time after the  
11 shooting, before you were examined at the police  
12 station?  
13 MR. LAUX: Same objection.  
14 A I was in a complete state of shock. And I  
15 couldn't --  
16 Q (By Mr. Carpenter) Even while you're giving your  
17 statement?  
18 A -- tell you how long that lasted. When I was  
19 giving my statement, I hadn't seen my children yet and I  
20 just -- I wanted my children. I was still in a state of  
21 shock.  
22 Q Did you understand the officer's questions?  
23 A I think so, yes.  
24 Q Did you attempt to be as forthcoming on everything  
25 as you could be?

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1 A Absolutely. Yes.  
2 Q If you would turn to Page 144, it's the last three  
3 things.  
4 Hudson says, All right. Well, Mrs. Hatfield, I  
5 don't have anything else I can think right -- I think,  
6 right now. Is there anything that you can think of that  
7 I haven't asked you that we need to know about what  
8 happened out there today?  
9 Hatfield: I can't think of anything.  
10 Hudson: Okay.  
11 Now, you testified a little bit earlier that you thought  
12 that -- well, what was your feeling about your  
13 interview? What did you think that Detective Hudson was  
14 trying to do?  
15 A I wasn't making any opinions of it at that -- at  
16 the time that it was going on. I wasn't -- I was just  
17 answering questions as they were presented to me. I  
18 hadn't had time to process anything. So I can't answer  
19 that, because I wasn't thinking along those lines.  
20 Q So when was the first time you had doubts about  
21 Detective Hudson's interview of you?  
22 A As soon as I got home.  
23 Q And when was the first time that you told anybody  
24 about your doubts about the interview?  
25 A As soon as I got home.

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1 Q Tell me about that, please.  
2 A So we get home and we're walking down to my  
3 sister's house, and it's actually as me, Rachael and  
4 Paul were walking down to my sister's house that I think  
5 I said, you know, "What just happened," and that was the  
6 first time -- I was asking myself that question, what  
7 just happened. And that would be the moment where I was  
8 reviewing what had just happened, in my head.  
9 Q Now, when you say I asked myself what just  
10 happened, did you verbalize the words? Did you say out  
11 loud, "What just happened?"  
12 A I think I might have, yeah.  
13 Q Did anybody answer you?  
14 A I just remember the three of us walking down there.  
15 Rachael still didn't have her shoes. She was still just  
16 crying. I don't recall a response.  
17 Q What about Paul?  
18 A I think he was still just -- I think he was asking  
19 himself the same thing.  
20 Q And then did y'all talk about the incident when you  
21 got down to your sister's house?  
22 A Yes.  
23 Q How would you describe how Paul described the  
24 incident?  
25 A Paul was completely shocked by it. He didn't see

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1 the need for what had just happened, I guess is the way  
2 I'd describe it.  
3 Q Was he angry?  
4 A Shocked.  
5 Q How did he express that he didn't see the need for  
6 what happened?  
7 A To be honest with you, basically, just saying,  
8 "What the F\*\*\*?"  
9 Q From that, can I take it that he was not  
10 articulating much? He was simply repeating a phrase  
11 like that?  
12 A When we got to my sister's house, we immediately  
13 found out that they had thought that my son was killed,  
14 and so it actually kind of came about that, because they  
15 were in absolute states of shock thinking that they had  
16 just lost their nephew, grandson. And so -- I mean,  
17 they did find out -- they -- actually, two of my sisters  
18 came to the police department and found out that it was  
19 not my son that had been killed. So actually -- and so  
20 that's -- right there, that's when that came about is,  
21 they were just so darn glad to see Paul.  
22 Q I can imagine that.  
23 As a family -- as the three of you all, was this a  
24 topic of conversation over the next few days?  
25 A It was. But honestly, for a while, I couldn't talk

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1 about it that much, because I thought I would just go  
2 crazy if I did. I was just like, I got to regroup, I  
3 got to process, and so -- and with my daughter, it was  
4 just a bunch of crying. And my poor son, I don't  
5 honestly know. I had to tell him at one point, "Don't  
6 get lost in all this. My focus is so much on her, don't  
7 let me lose you. If you need me, tell me." And that's  
8 really what those next few days were about. And I  
9 remember that because my sister came down there and she  
10 needed to talk about it and I had to tell her to leave.  
11 I said, "I love you. I know you love me. You got to  
12 go."  
13 Q Now, when you say about your son, don't let me lose  
14 you out of this, and you indicated it was because you  
15 were focusing on your daughter, was he attempting to  
16 talk about the incident?  
17 A No, not at all. That was the whole thing, my son  
18 is also a man of few words and he internalizes, that's  
19 what I meant by that. If you need me, if you're  
20 suffering, if you need to talk, let me know. Because my  
21 daughter, at that point, was sucking her thumb in her  
22 sleep, fetal position. She went back to being a baby  
23 for a little while.  
24 Q I understand.  
25 You say that you knew that the Spradling family had

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1 contacted Gary Green and Associates, initially.  
2 A Yes.  
3 Q How did you learn that?  
4 A I think, through my daughter.  
5 Q And then when did you learn that they said they had  
6 a conflict?  
7 A Shortly after --  
8 Q "They", meaning the firm of Gary Green and  
9 Associates.  
10 A Shortly after Collin's funeral. Probably within a  
11 week or so. So very quickly. I mean, you know, in a  
12 matter of a couple weeks, probably.  
13 Q You indicated in your earlier testimony that you  
14 knew that the Spradling's had contacted other attorneys  
15 but their calls were not returned.  
16 A Yes.  
17 Q Did you learn that from the Spradling's or from  
18 your daughter?  
19 A My daughter.  
20 Q Did you ever call the Spradling's about that other  
21 than to give the names of those two lawyers?  
22 A I don't think so, no.  
23 Q Did you ever tell your daughter to have the  
24 Spradling's lawyer contact you?  
25 A No. They didn't have a lawyer.

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1 Q Now, going back to Exhibit Number 1 for a second,  
2 please. I'm going to the third page, which is the first  
3 page of your letter. I'm going to the second paragraph.  
4 "As I read through the file, I was struck by so many  
5 inconsistencies that I cannot believe the Prosecuting  
6 Attorney's Office didn't even call us for an interview  
7 before determining that it wasn't prosecutable, even  
8 though I spoke with John Johnson twice, telling him we  
9 were available at any time, and believed Collin had been  
10 murdered." Did you -- do you remember if you actually  
11 used the words Collin -- similar to, or like, Collin had  
12 been murdered, to John Johnson?  
13 A Yes.  
14 Q And is that when he said you were shadow boxing?  
15 A Yes.  
16 Q It says that you called him twice. Did you speak  
17 with him twice?  
18 A Yes.  
19 Q And did you make comments on both phone calls that  
20 Collin had been murdered?  
21 A Yes, I believe so.  
22 Q You think so?  
23 A I think so.  
24 Q The real key for me is, you know that you expressed  
25 it in that term.

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1 A Yes.  
2 Q What did you do with the Attorney General?  
3 A I didn't call them. At that time, Rachael had told  
4 me that Judy Spradling needed to heal.  
5 Q What did that mean to you?  
6 A Every time -- not every time. From time to time  
7 when Rachael would go over there, I would ask her to try  
8 to get an update on whether or not they had found an  
9 attorney yet, and it was always, nobody would call them  
10 back. And so at one point I asked Rachael to -- you  
11 know, to inquire about that again, and Judy had  
12 expressed to her that she -- you know, Mike was handling  
13 all that, she needed to just heal, and so I didn't call.  
14 I felt -- I took that as my cue to -- I felt like I  
15 needed justice for Collin, to heal me and my family. I  
16 wanted it for me. I wanted it for my children. And it  
17 was at that point that I had to change to respecting  
18 what this family had gone through, and so I didn't call.  
19 Q And do you -- can you give me an estimate of the  
20 time frame of when this decision was made by you?  
21 A Not to call the Attorney General?  
22 Q Yes.  
23 A Within six months.  
24 Q Six months of the incident?  
25 A I think so, yes.

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1 MR. CARPENTER: That's all the questions  
2 I've got.  
3 FURTHER EXAMINATION  
4 BY MR. LAUX:  
5 Q Christina, I just have a couple questions on  
6 redirect. First, did you receive a subpoena from my  
7 office mandating your attendance here?  
8 A Yes.  
9 Q Other than the statutory fees associated with the  
10 subpoena, and travel expenses, did you receive anything  
11 from me for your testimony here?  
12 A No.  
13 Q Mr. Carpenter was showing you part of the  
14 investigation file which purports to be a transcript of  
15 your statement; is that correct?  
16 A Yes.  
17 Q Do you know if that transcript has ever been  
18 verified as accurate?  
19 A No.  
20 Q Do you know who transcribed that?  
21 A No.  
22 Q Do you -- we talked -- strike that.  
23 We've talked a bit about things that you've noticed  
24 that were inaccurate in that transcript; is that  
25 correct?

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1 A Yes.  
2 Q The bottom line is this, can you vouch for, really,  
3 anything contained in that transcript from your own  
4 personal knowledge?  
5 A No.  
6 Q And I don't mean to negate it's worth entirely, but  
7 the point I'm trying to make is, when you indicated  
8 inaccuracies that you saw, are you saying that those are  
9 all of the inaccuracies that may be contained in that  
10 document?  
11 A No.  
12 MR. LAUX: And that's all that I have also.  
13 MR. CARPENTER: I got just a couple more.  
14 FURTHER EXAMINATION  
15 BY MR. CARPENTER:  
16 Q I want to go back to the transcript for just a  
17 second. As I understand it, a few weeks ago is when you  
18 got -- a few weeks ago is the first time you got the  
19 recording that goes along with your statement.  
20 A Yes.  
21 Q And you listened to it shortly after getting it?  
22 A Yes.  
23 Q How many times have you listened to it?  
24 A One time.  
25 Q You didn't listen to it last night?

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1 A No.  
2 MR. CARPENTER: I have no other questions.  
3 (WHEREUPON, Exhibit Number 8 was marked for  
4 identification and is attached hereto.)  
5 (WHEREUPON, the deposition was concluded at  
6 12:50 p.m.)  
7 (WITNESS EXCUSED)

8 \* \* \* \* \*

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CERTIFICATE

STATE OF ARKANSAS )  
 ) ss  
COUNTY OF PULASKI )

I, Faith Grigsby, CCR, Certified Stenomask Reporter before whom the foregoing testimony was taken, do hereby certify that the witness was duly sworn by me; that the testimony of said witness was taken by me and was thereafter reduced to typewritten form under my supervision; that the deposition is a true and correct record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by the parties to the action in which this deposition was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in the outcome of this action.

I FURTHER CERTIFY, that I have no contract with the parties within this action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 12th day of February, 2014.

FAITH GRIGSBY  
Arkansas State Supreme Court  
Certified Court Reporter #686



## FOIA REQUEST

Date & Time of Request: 11-4-2008 0800  
Person Making Request: Christina Hatfield  
Contact numbers: 377-2153

# 336  
**RECEIVED**  
NOV 05 2008  
sent to D.O.

### Items Requested:

A copy of the case file regarding the police shooting at her residence 621 Gillette Dr. L.R. the occurred on July 16<sup>th</sup>. Inc. 2008-81343.

Request Assigned to (Unit/Division): DO

~~Date & Time Assigned: 11-4-2008~~

Date & Time Request Completed:

Person Receiving Request: Lt Terry Hastings  
Public Affairs Office Log Number:



IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

MICHAEL SPRADLING, as Personal  
Representative of the Estate of  
WILLIAM COLLIN SPRADLING, Deceased

PLAINTIFF

VS.

NO. 4:12-CV-693 JMM

CLAY HASTINGS, et. al.

DEFENDANTS

---

ORAL DEPOSITION OF

RACHAEL MAYHEW

FEBRUARY 7, 2014

---

GRIGSBY REPORTING SERVICES  
711 FOXBORO DRIVE  
JACKSONVILLE, ARKANSAS 72076  
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APPEARANCES

ON BEHALF OF THE PLAINTIFF:

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ON BEHALF OF THE DEFENDANTS:

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MS. LaTONYA LAIRD AUSTIN  
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ALSO PRESENT:

MR. CLAY HASTINGS  
MR. AARON SIMON  
MS. CHRISTINA HATFIELD

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CAPTION

ANSWERS AND ORAL DEPOSITION OF RACHAEL MAYHEW, a witness produced at the request of the Plaintiff, taken in the above-styled and numbered cause on the 7th day of February, 2014, before Faith Grigsby, Arkansas Supreme Court Certified Court Reporter #686, at 2:10 p.m., at the Double Tree Hilton, 424 West Markham Street, Little Rock, Arkansas, pursuant to the agreement hereinafter set forth.

\* \* \* \* \*

STIPULATIONS

IT IS STIPULATED AND AGREED by and between the parties through their respective counsel that the oral deposition of RACHAEL MAYHEW, may be taken for any and all purposes according to the Federal Rules of Civil Procedure.

\* \* \* \* \*

## 1 PROCEEDINGS

2 THEREUPON,

3 RACHAEL MAYHEW,

4 THE WITNESS HEREINBEFORE NAMED,  
5 having been first duly cautioned and  
6 sworn by me to testify to the truth,  
7 the whole truth, and nothing but the  
8 truth, testified on her oath as  
9 follows, to-wit:

## 10 EXAMINATION

11 BY MR. LAUX:

12 Q Good afternoon. I wonder if I could ask you to  
13 please state your full name, and spell your last name  
14 for the record.

15 A Rachael Christina Mayhew, M-A-Y-H-E-W.

16 Q And do you spell Rachael, R-A-C-H-A-E-L?

17 A A-E-L, yes.

18 MR. LAUX: Please let the record reflect  
19 that this is the discovery deposition of  
20 Rachael Mayhew taken here at the Doubletree  
21 Hotel on Markham Street in Little Rock,  
22 Arkansas. Let the record also reflect that  
23 this deposition is going to proceed in  
24 accordance with the rules of the Arkansas  
25 Supreme Court, the rules of the Eastern

1 District of Arkansas Federal Court, and the  
2 local rules here in Little Rock, Arkansas.

3 Q (By Mr. Laux) Rachael, have you ever given a  
4 deposition before?

5 A No.

6 Q Therefore, let me give you some rules about what's  
7 going to happen here, so that we can create a clean  
8 record and, hopefully, get you out of here as soon as  
9 possible. Okay?

10 A Okay.

11 Q I'm going to be asking you a series of questions to  
12 which, hopefully, you can provide answers. Please  
13 answer yes or no where it's applicable. If you need to  
14 answer in length, feel free to do so. I don't know and  
15 I don't remember are legitimate answers too, if that's  
16 the case. Okay?

17 A Okay.

18 Q We're only interested here in what you know, from  
19 your own personal knowledge. We don't want you to  
20 speculate or to guess. Okay?

21 A Okay.

22 Q So please don't do that. All right?

23 A Okay.

24 Q You can see that we have a court reporter here  
25 who's taking down everything that we say and she can't

1 take down two of us at the same time, so please wait  
2 until I'm done with my question before you answer, even  
3 if you know where I'm going with it. And, likewise,  
4 I'll wait until you're done with your answer before I  
5 pose the next question. Is that fair?

6 A Yes.

7 Q You're doing an excellent thus far giving audible  
8 answers as opposed to shrugs of the shoulders or shakes  
9 of the head; please continue. Okay?

10 A Okay.

11 Q And then, finally, if at any time, for any reason,  
12 you need to take a break, as long as a question is not  
13 pending, you are free to do that, so please let us know  
14 if that's the case, for whatever reason, we can take a  
15 break. Okay?

16 A Okay.

17 Q Have you and I ever met before today?

18 A No.

19 Q Have you reviewed anything in preparation for  
20 today's deposition?

21 A I read my statement, yes.

22 Q When you say you read your statement, are you  
23 referring to a statement that you gave to the Little  
24 Rock Police Department on July 16, 2008?

25 A Yes.



1 Q Have you reviewed anything else in preparation for  
2 today's dep?

3 A Just listened to the audio of it as well.

4 Q So you listened to an audio recording of that same  
5 statement; is that right?

6 A Yes. Correct.

7 Q What's your date of birth?

8 A 7/14/85.

9 Q And were you born here in Little Rock?

10 A Yes.

11 Q Where did you go to high school?

12 A Mount St. Mary Academy.

13 Q Like your mom?

14 A Yes.

15 Q And did you pursue any type of education after high  
16 school?

17 A I went to UALR for nursing.

18 Q Excellent. Did you get a nursing degree?

19 A I've got my LPN --

20 Q Fantastic.

21 A -- licensed practical nurse.

22 Q And when did you earn that?

23 A That was back in '07 is when I got it.

24 Q Excellent. Are you married?

25 A Yes.

1 Q And is your husband's name Anthony?  
2 A Yes.  
3 Q Do you have any children?  
4 A Yes.  
5 Q How many?  
6 A We have one now and one on the way.  
7 Q What's your child's name?  
8 A Ella.  
9 Q And how old is she?  
10 A She is 21 months.  
11 Q And when you say "one on the way", does that mean  
12 to say that you are pregnant as we speak?  
13 A Yes.  
14 Q We'll try to make this deposition as quick as  
15 possible. Okay?  
16 A Okay.  
17 Q Are you currently employed, Rachael?  
18 A Yes.  
19 Q Where?  
20 A With Baptist Health at the Alzheimer's Center.  
21 Q And if you could just briefly give me your title  
22 and the type of work that you do there.  
23 A I'm an LPN, and I'm just the charge nurse over the  
24 care of the Alzheimer patients.  
25 Q And LPN stands for what?

1 A Licensed practical nurse.

2 Q A question that we have to ask all deponents and,  
3 certainly, no offense is made by it, have you ever been  
4 convicted of a felony or a crime involving honesty or  
5 dishonesty?

6 A No.

7 Q I'd like to direct your attention to July of 2008.  
8 Did you have a boyfriend at that time?

9 A Yes.

10 Q And what was his name?

11 A Collin Spradling.

12 Q And further directing your attention more  
13 specifically to the date of July 16, 2008, does that  
14 date have any significance to you?

15 A Yes.

16 Q Why is that?

17 A That was the day he was killed.

18 Q And how was Collin killed?

19 A By police.

20 Q And not to belabor the point, but how did the  
21 police kill Collin?

22 A They shot him in the back.

23 Q Was that a traumatic event for you?

24 A Yes.

25 Q Were you an eyewitness to the shooting?

1 A Yes.

2 Q I'm going to ask you just a few questions about  
3 that. Okay?

4 A Okay.

5 Q And again, if at any time you need to take a break,  
6 you feel free to do that. Okay?

7 A Okay.

8 Q At some point, did the Little Rock police officers,  
9 or did some Little Rock police officers come to your  
10 home?

11 A Yes.

12 Q Why don't you tell me where you lived at that time.

13 A I lived at my mom's, at 621 Gillette.

14 Q How did you come to learn that the police were  
15 there?

16 A My mom came to get me in the bedroom.

17 Q Were you in the bedroom alone?

18 A No, me and Collin were both in the bedroom. She  
19 came to get both of us.

20 Q And to the best of your recollection, when your  
21 mother came to the door, what did she say to you?

22 A She said there's police at the back door asking to  
23 speak with you and Collin.

24 Q Did you say anything to her in return?

25 A We said, what's going on, and she said, they're

1 here to talk to y'all.

2 Q Did Collin say anything at that time, while you're  
3 still in the bedroom?

4 A Not that I remember, just kind of like, what is  
5 going on.

6 Q And then what happened next?

7 A We got up and got -- I mean, we were both in our  
8 pajamas and so we got on -- threw on some jeans and  
9 immediately walked out with my mom to the back door.

10 Q Was it morning, afternoon, evening?

11 A It was early morning, around 10:00 a.m.

12 Q And you went then downstairs and outside with your  
13 mother; is that right?

14 A Yes, just down the hall. It's just a one story.

15 Q So the bedrooms are on the first floor?

16 A Yes.

17 Q How long -- how many -- whatever you feel  
18 comfortable with, paces or feet or meters. What is the  
19 distance, would you say, from the bedroom to the back  
20 door?

21 A Thirty feet.

22 Q And you got to the threshold of the door and then  
23 what happened next?

24 A I walked out and there was -- I mean, I assume  
25 there was plain clothed men standing there and they

1 asked me to step to the side, and so I just did, and  
2 then Collin came out right behind me and he was standing  
3 at the door.

4 Q Let's take it -- stop right there, very briefly, if  
5 I could. So when you first walk out and you're asked to  
6 go to your side, exiting the home from the back door,  
7 which side, left or right?

8 A They pushed me over to the right. There is a brick  
9 wall kind of that you can sit on and they just sat me  
10 right there.

11 Q And your mother was in proximity to you at that  
12 time?

13 A Yes, she was right beside me.

14 Q Were you, in fact, seated at some point?

15 A Yes, I was sitting on the brick wall.

16 Q And this brick wall, how tall was it, would you  
17 say?

18 A It's just a couple of feet. It's just kind of a  
19 little gardening wall that kind of --

20 Q I understand. When you came outside, did you say  
21 anything to the police officers?

22 A I don't think I said anything to them.

23 Q Do you know if the police officers -- did the  
24 police officers say anything to you?

25 A Not really, other than just, come step to the side.

1 Q How much time passed between your sitting on the  
2 ledge there and Collin appearing?

3 A Oh, he was right there. He was standing in the  
4 door while they asked me to step to the side.

5 Q So would it be fair to say that he walked out a few  
6 seconds after you?

7 A I mean, probably not even a few. I mean, he was  
8 right there, so a second.

9 Q Did the officers say anything to Collin?

10 A They asked him to put his hands up.

11 Q Did they -- did Collin say anything in return, or  
12 response?

13 A He said, "What is going on?" And they said, "You  
14 know what this is about." And then they asked him to  
15 put his hands behind his back.

16 Q And what happened after that?

17 A He went to put his hands behind his back and they  
18 grabbed his arms, I guess, to handcuff him or whatever  
19 they were going to do, and that's -- he asked again,  
20 "What is this about?" They just said, "You know what  
21 this is about." And as they did grab his hands, he kind  
22 of -- his right arm, he kind of started to jerk it  
23 forward, but they did have his hands already.

24 Q Did it seem to you that he was resisting their  
25 physical grabbing of him?

1 A I mean, I hate to say he was resisting, but, yes, I  
2 mean, I guess so. I mean, as soon as they grabbed his  
3 arms, he did roll that right shoulder.

4 Q Did he ever -- did you ever see him take a swing at  
5 an officer?

6 A Oh, no.

7 Q Did he try to kick or to lash out physically at an  
8 officer?

9 A No.

10 Q What happened after Collin turned, as you've --  
11 moved his body as you've described it?

12 A They all just went to the ground.

13 Q When you say "they", who are you referring to,  
14 Rachael?

15 A Collin and two or three police officers.

16 Q Were all of the police officers that you saw in the  
17 back -- well, strike that.

18 When you first came out, how many officers did you  
19 see, to your recollection?

20 A Two, when I first came out, then as -- I mean, they  
21 were just dressed in regular clothes, though. I didn't  
22 see badges or anything like that.

23 Q Do you recall what type of shirts either of them  
24 were wearing?

25 A Just Polos and khakis.



1 Q Do you recall anyone wearing a horizontally striped  
2 shirt?

3 A I mean, I think it was a Polo, but it did have some  
4 design on it. And then another one was just almost like  
5 a plain light colored Polo.

6 Q Got it. Have you ever viewed any video from this  
7 investigation?

8 A No.

9 Q So how many officers -- I think earlier you said  
10 that, when Collin made his movement, they all went down,  
11 and you identified Collin and some officers. How many  
12 officers would you say went down with Collin?

13 A At that point, there was another officer that had  
14 come around, a uniformed officer, and so there was two  
15 regular and a uniformed, and they all went to the  
16 ground.

17 Q In terms of the mechanics of this --

18 A Right.

19 Q -- how was it that they went down to the ground?

20 A Collin went face down. I mean, had his head flat,  
21 stomach flat, legs flat. He had one regular dressed  
22 that just had a gun to the back of his head, and then  
23 another regular dressed was kind of straddling over him  
24 with his arms, and then the other one was down by his  
25 feet, over his legs.

1 Q Did the officers put Collin down on the ground?

2 A Yes.

3 Q Collin didn't go down to the ground voluntarily?

4 A Well, I mean, I guess so. I mean, they just all --

5 Q I guess what I'm looking -- I'm sorry to interrupt  
6 you.

7 A They just all went down. It's hard to say if --

8 Q Did the officers have hands on Collin when they all  
9 went down to the ground?

10 A Yes.

11 Q And you mentioned, I think, someone putting a gun  
12 to Collin's head; is that right?

13 A Yes.

14 Q Did you see that with your own eyes?

15 A Yes.

16 Q How soon after Collin was taken to the ground did  
17 you see that gun placed behind his head?

18 A That was immediate. I mean, I don't even know if  
19 he was necessarily even flat to the ground yet and the  
20 gun was already to the back of his head.

21 Q Did that officer who had the gun to the back of his  
22 head say anything at the time?

23 A He said, "I have a gun to your head."

24 Q Did you hear any officer say anything other than  
25 what you've just testified to, during this time, or

1 around this time?

2 A No, not that I can recall.

3 Q What was your reaction to what was taking place?

4 A I was just shocked. I didn't know what was going  
5 on.

6 Q Did you say anything as this event was unfolding?

7 A I mean, I was screaming, I think, just, stop, why,  
8 what. I mean, it was just all so quick and we didn't  
9 understand. Nobody had said what they were doing or why  
10 they were there.

11 Q Did you hear Collin say anything at this point?

12 A No, he was silent the whole time.

13 Q Where were you located in proximity to this group  
14 of men when they went down to the ground?

15 A I was right there. I was sitting on the brick wall  
16 and they were -- Collin's head was at my feet and they  
17 were all right -- so right here.

18 Q You're talking about a matter of inches?

19 A Inches, yeah. His head was basically on my feet  
20 and the other officer that had the gun to his head was,  
21 I mean, right here, within inches.

22 Q The gun that was held to Collin's head was within  
23 inches of your body?

24 A Yes.

25 Q Did you remain at that location at that time?

1 A No. I mean, it all was just going on and I kind of  
2 just remembered being moved out of the way. I just --  
3 and I don't even really recall if it was just me trying  
4 to step over, but I think my mom actually grabbed me and  
5 pulled me over because she wanted me out of the way.

6 Q Did you eventually hear any gunshots?

7 A Yes.

8 Q How much time passed, do you think, between Collin  
9 being taken down to the ground and your hearing the  
10 gunshots?

11 A Seconds.

12 Q And can you estimate how many gunshots you think  
13 you heard?

14 A I heard the one and then it just kind of -- I just  
15 toned out.

16 Q How close to Collin were you when he was shot?

17 A Inches.

18 Q Do you recall -- you said that Collin and you were  
19 in your pajamas, having presumably just woken up, right?

20 A Right. Yeah.

21 Q Do you recall -- he didn't go down in his pajamas,  
22 right?

23 A No, we both -- he had on -- well, he actually had  
24 on, I think, his T-shirt and jeans, already. I had on a  
25 T-shirt and boxer shorts, and so I threw my jeans on

1 real quick.

2 Q And what was Collin wearing? You said a T-shirt  
3 and jeans?

4 A Yeah, just white T-shirt and jeans.

5 Q Do you recall if Collin was wearing shoes at all  
6 when he went outside?

7 A No shoes, no socks. None of us had on shoes or  
8 socks.

9 Q I'm going to ask you a few questions, just kind of  
10 cutting to the chase. Did you ever see a gun in  
11 Collin's possession at any time on July 16, 2008?

12 A No.

13 Q Other than guns held by officers, did you see any  
14 guns at all near Collin around the time that he was  
15 shot? Other than ones held by officers.

16 A No.

17 Q I mean, did you see a gun that might have been  
18 attributable to him at any time that day?

19 A No.

20 Q Did you see any officer remove a gun from Collin's  
21 possession?

22 A No.

23 Q Did you ever see any officers remove a gun from  
24 near his body?

25 A No.

1 Q Did you ever see any officers place a gun on any  
2 ledge in your back yard?

3 A No.

4 Q At any time while Collin was on the ground, before  
5 he was shot, did you hear any officer say, "Gun! Gun!  
6 Gun!" or something like that?

7 A No.

8 Q Did you hear any officer say, "Are you sure there's  
9 a gun," or something to that effect?

10 A No.

11 Q And did you hear any officer say in response, "Yes,  
12 I'm sure there's a gun," or words to that effect?

13 A No.

14 Q Now, prior to that date, had you ever seen Collin  
15 with a gun?

16 A Yes.

17 Q Can you tell me when you previously seen --  
18 immediately previously -- strike that.

19 Can you just say when you had last seen Collin with  
20 a gun.

21 A That day before.

22 Q Would that be the 15th of July, 2008?

23 A Yes.

24 Q And what was the occasion that transpired where you  
25 saw that Collin -- or that Collin would have a gun on

1 him?

2 A He had brought one -- we were at his house and he  
3 had brought one over because he wanted to show my mom,  
4 to try to get her more comfortable with guns, because he  
5 wanted me to start carrying one and get my concealed  
6 weapon permit.

7 Q And did he indicate to you why he wanted you to do  
8 that?

9 A Because he felt like I worked in a rough part of  
10 town.

11 Q What were hours of employment at that time, give or  
12 take?

13 A I worked night shift, 7:00 p.m. to 7:00 a.m.

14 Q And like any work shift, I imagine you got a break  
15 for -- a food break at some point, right?

16 A Yeah, like 2:00 or 3:00 in the morning, and I would  
17 go to Taco Bell.

18 Q A few places open, I imagine, right?

19 A It's the only one open at that time.

20 Q You were probably the only non-rowdy one in those  
21 places.

22 A Yeah.

23 Q So it sounds like he wanted you to have a gun for  
24 your protection.

25 A Yes.

1 Q Now, did he have that -- did he any conversations  
2 about that gun, on July 15th, with anybody in your  
3 family?

4 A With me and my mom and brother. Yeah, he was just  
5 showing it to us to try to get my mom used to the idea  
6 and be more comfortable, because I had told him she is  
7 not okay with guns, doesn't like guns.

8 Q Was she receptive to his suggestions about the gun?

9 A Yeah, she said she was definitely willing to listen  
10 to him. I mean, she agreed that I shouldn't be going to  
11 Taco Bell at 3:00 in the morning, so she was, yeah,  
12 willing to listen.

13 Q So she was willing to listen. And what happened to  
14 the gun that Collin had that day?

15 A He went out and we put it back in his truck because  
16 of how uncomfortable my mom was.

17 Q And that was on July 15?

18 A Yes.

19 Q And you saw Collin put the gun in his trunk -- in  
20 his truck?

21 A Yes, in the glove box. And, I mean, it was never  
22 loaded or anything. It didn't even ever have the clip  
23 in it when he was showing it or anything, it was just  
24 the gun.

25 Q And again, you witnessed him put it in the trunk --



1 I'm sorry, in the glove box?

2 A In the glove box, yes.

3 Q And where was his truck parked at that time?

4 A Right in the front of our house.

5 Q What time of the day would you say that was on the  
6 15th?

7 A It was in the evening so, I mean, anywhere from  
8 5:00 to 7:00 p.m., probably.

9 Q And did you work that evening?

10 A No, I was off that evening.

11 Q So were you -- was there a period of time where you  
12 were -- strike that.

13 Did you spend that evening, then, with Collin?

14 A Yes.

15 Q Did you ever see him go to his truck and retrieve  
16 the gun?

17 A No.

18 Q Do you recall what time you might have gone to bed  
19 that night?

20 A It was probably around 10:30, 11:00, or at least  
21 that's when we went back to my room and we just watched  
22 TV until we fell asleep.

23 Q When you fell asleep, he was in bed with you?

24 A Yes.

25 Q And when you woke up, he was in bed with you?

1 A Yes.

2 Q And the truck was located in front of your house.  
3 On what side of the street, closer to your home or  
4 further?

5 A Closer.

6 Q After Collin was shot, what happened next?

7 A We were pretty much handcuffed and taken to the  
8 police cars.

9 Q And when you say "we," who are you referring to,  
10 Rachael?

11 A Me, my mother, and brother.

12 Q Did you know that your brother was in the vicinity  
13 of this event at the time Collin was shot?

14 A Yes.

15 Q How close was your brother to the grouping of men  
16 on the ground, if you recall?

17 A Feet.

18 Q And this is your younger brother?

19 A Yes.

20 Q Paul?

21 A Yes.

22 MR. CARPENTER: I'm sorry, I didn't hear  
23 the answer to the question of how close.

24 THE WITNESS: Feet. I mean, within a foot  
25 or two.

1 Q (By Mr. Laux) Did you leave that area of your own  
2 volition, if you know what I mean by that?

3 A No. I mean, we were handcuffed and taken by  
4 police.

5 Q You were put in handcuffs for some period of time?

6 A Yes.

7 Q How long were you in handcuffs?

8 A I mean, from the moment they did it, after they  
9 shot him, all the way until they got to the police  
10 station, so an hour or so. I don't know.

11 Q Did any officer tell you that they had a warrant  
12 for your arrest?

13 A No, they didn't tell me anything.

14 Q After you were removed from the area, where did you  
15 go?

16 A I was put into the back of a police car.

17 Q Were you back there by yourself?

18 A Yes.

19 Q How long would you say you were in the back of the  
20 squad car?

21 A I mean, it felt like forever to me, because it was  
22 the middle of July, the car was turned off, all the  
23 windows were up. I mean, I just -- I was hysterical.  
24 So it felt like quite some time, but I'm not sure.  
25 Maybe 10 or 15 minutes, in all reality. I just don't

1 know.

2 Q Would it be fair to say that this event took a  
3 pretty major toll on you?

4 A Yes.

5 Q Very briefly, and I don't want -- just very  
6 briefly, if you could tell me in your own word how it's  
7 affected you, or how it did affect you.

8 A I mean, I was traumatized. It took me a long time  
9 to get over it. I'm still not over it. It's something  
10 you don't think you're going to see.

11 Q Did you actually see, for instance, the blood near  
12 Collin's body?

13 A Everything. I had it on me.

14 Q So at some point you went to the Little Rock Police  
15 Department?

16 A Yes.

17 Q How did you get there, Rachael?

18 A In the back of a police car.

19 Q And did you give a statement while you were there?

20 A Yes.

21 Q I'm taking a step back. Did you have an  
22 opportunity to go back into your home before you went to  
23 the LRPD for questioning?

24 A No. They wouldn't even let us get shoes.

25 Q So you went to the -- you gave your statement and

1 you were barefoot?

2 A Yes.

3 Q When you were taken from your home to the car, you  
4 were walking in the street barefoot?

5 A Yes.

6 Q If you can recall, how long were you questioned?

7 A I mean, I was in that office for quite some time,  
8 but as far as just the questioning, maybe 20 minutes or  
9 so. I mean, they kept us all apart, me, my mom and  
10 brother. They kept us all in separate areas.

11 Q Do you remember your questioning, somewhat?

12 A I guess, kind of.

13 Q But since then, you've also read the transcript of  
14 it, yes?

15 A Right.

16 Q And you've had an opportunity to listen to the  
17 audio; is that right?

18 A Right.

19 Q Between your memory, the audio, and the transcript,  
20 do you have an opinion about the investigator who  
21 questioned you?

22 A I mean, I guess all I could tell was that I was  
23 just trying to process what had taken place and I was  
24 just saying yeah, okay, right, no. I mean, I didn't  
25 really -- I still didn't know what happened, or why it

1 happened, or what was going on. They wouldn't tell us  
2 anything.

3 Q Did you feel like the investigator who questioned  
4 you was trying to get to the raw truth of what happened?

5 MR. CARPENTER: Object as to form. Go  
6 ahead.

7 A Not necessarily.

8 Q (By Mr. Laux) Did the officer seem -- did the  
9 investigator seem interested in trying to justify the  
10 shooting, to you?

11 A Yes.

12 MR. CARPENTER: Object as to form of the  
13 question. She's answered.

14 Q (By Mr. Laux) And --

15 A He just never would let us -- he wouldn't ever let  
16 me fully finish answering a question. It would just cut  
17 off and move on to the next thing.

18 Q Would you say -- how would you put your state of  
19 mind at that time? How would describe your state of  
20 mind? Meaning -- strike that. Let me ask it the right  
21 way.

22 Would it be a fair statement to say that you had a  
23 lot -- you were processing and doing your best to  
24 process a lot of things at that point?

25 A Absolutely.

1 Q When did you -- how did you wind up going back to  
2 your home that day?

3 A They had us -- we were able to ride back, I guess  
4 -- I guess it was an officer. Somebody drove us back in  
5 a car.

6 Q And by "us", you mean your mom and your brother?

7 A Yeah.

8 Q And the three of you were then together at that  
9 point?

10 A Yes.

11 Q You were -- the three of you were joined for the  
12 first time since the shooting after your questioning at  
13 the LRPD?

14 A Right.

15 Q After your questioning, did the LRPD ever contact  
16 you with any follow-up questions?

17 A No.

18 Q Did they ever call you or contact you and say that  
19 there's some things that they would like to clarify?

20 A No.

21 Q Did you ever hear from the LRPD about the shooting  
22 ever again?

23 A No.

24 Q To this date, have you ever seen a warrant for your  
25 arrest related to any burglary?

1 A No.

2 Q Were you ever arrested or charged with a burglary  
3 in 2008?

4 A No.

5 Q Did the LRPD take anything of your possession from  
6 your home that day?

7 A I don't -- no, I don't think so. I mean, they took  
8 my car and -- yeah, they took my car.

9 Q Do you know why they took your car?

10 A Because I guess they said they needed to search it.

11 Q Did Collin, if you know, tend to leave his doors --  
12 his car doors open -- locked or unlocked, if you know?

13 A Locked. He was -- yeah, his car was his baby.

14 Q Do you know if he had keys to his car on his person  
15 on July 16 -- strike that.

16 Did he have keys to his truck either in your home  
17 or on his person that day?

18 A I mean, I know his wallet and keys were on the  
19 nightstand in my room.

20 MR. CARPENTER: Can we let the record  
21 reflect -- you've used car or truck -- that it  
22 was an SUV. That they're all the same --  
23 you're referring to just one vehicle.

24 MR. LAUX: That's correct, Tom. Thank you.

25 Q (By Mr. Laux) And so I'm going to try to stick



1 with truck. I mean, it's something -- it's like a Chevy  
2 Suburban or something, isn't it?

3 A It was a Tahoe.

4 Q And it was -- do you remember what color it was?

5 A Blue -- dark blue.

6 Q And when you say his wallet and his keys were on a  
7 table, did you say nightstand?

8 A Yeah, it was my bedside table.

9 Q So if someone were to go into your room and look at  
10 your bed -- near your bed, they might, on that date,  
11 have seen a wallet and a set of keys; is that true?

12 A Yes.

13 Q When you returned to your home, was that wallet and  
14 set of keys still there?

15 A The keys were gone; the wallet was still there.

16 Q The statement that you gave to the investigator  
17 that day, which you reviewed, is that more or less an  
18 accurate rendition -- the audio, is it more or less an  
19 accurate rendition of what you recall from that day?

20 A I mean, I think most of it. Some of it's a little  
21 scattered, I think. I just hadn't processed what  
22 happened.

23 Q Do you --

24 A I didn't even know if he was truly dead or not. I  
25 mean, I did, I guess, but I hadn't processed that.

1 Q Do you know what a leading question is?

2 A I mean, I guess somebody trying to lead you to a  
3 certain answer.

4 Q Accepting that -- that's what I think it is.

5 A Right.

6 Q And accepting your definition as your definition,  
7 do you feel that you were asked leading questions during  
8 your questioning?

9 A Yes.

10 MR. LAUX: That's all I have for today.  
11 Mr. Carpenter might have some questions for  
12 you, but that's it for me, for now. Thank you.

13 THE WITNESS: Thank you.

14 MR. CARPENTER: I'd like to mark this  
15 exhibit as 1.

16 (WHEREUPON, Exhibit Number 1 was marked for  
17 identification and is attached hereto.)

18 EXAMINATION

19 BY MR. CARPENTER:

20 Q Ms. Hatfield, my name is Tom Carpenter; I'm the  
21 City Attorney. This is LaTonya Austin; she is a Deputy  
22 City Attorney. We represent the officers and the City  
23 of Little Rock in this action.

24 A Okay.

25 Q I'm going to ask you some questions like Mike did.

1 A couple of times during the deposition I said,  
2 "Objection as to form." Mike may object to some of my  
3 questions. That's because we don't have a judge here to  
4 rule on something so --

5 A Right.

6 Q -- once the objection is made, you need to go ahead  
7 and answer it if you can.

8 A Okay.

9 Q I put in front of you what has been marked as  
10 Exhibit Number 1, and is identified as Statement of  
11 Rachael Hatfield. I ask you to look at that for just a  
12 moment and tell me if you've ever seen that before.

13 A Yes, this is what I've read through once before.

14 Q And this is the statement that you gave on July the  
15 16th of 2008?

16 A Yes.

17 Q Prior to July the 16th, when did you meet Mr.  
18 Collin Spradling?

19 A We had known each other probably since '01.

20 Q And how did y'all meet?

21 A Working at a movie theater.

22 Q Which one?

23 A Market Street Theater.

24 Q A good one.

25 A Yeah, it was the dollar theater.

1 Q And you had begun dating him approximately seven or  
2 eight weeks before July the 17th of 2008 -- 16th of  
3 2008?

4 A Right. We started dating late that April, early  
5 that May.

6 Q Was that the first time that y'all dated?

7 A We had kind of dated off and on back in '01/'02,  
8 just a little bit.

9 Q And for my benefit when you say "kind of dated",  
10 what do you mean?

11 A He was in the process of having a baby with  
12 somebody, and I was 16 years old and was a little  
13 nervous about that, so we just decided to be friends.

14 Q So am I accurate to say then that y'all went out  
15 some but then you decided not go out anymore?

16 A Right.

17 Q And when you went out, you were a teenager. I  
18 don't know what teenagers do anymore. What did y'all  
19 do?

20 A I mean, we drove around, went to movies, go to  
21 friend's houses, hang out.

22 Q Now, did y'all stay in touch between 2001 and 2008?

23 A Off and on. We went probably three years or so --  
24 two or three years without talking. I mean, we would  
25 run into each other at different places, but we didn't

1 have steady contact for a few years.

2 Q And then what happened in 2008?

3 A We ended up running back into each other at a  
4 friend's and just started talking, and we had both  
5 gotten out of relationships and just went from there.

6 Q Did you know Booe Chaffin?

7 A Chaffin Booe.

8 Q Chaffin Booe.

9 A Yes.

10 Q And did you know Brandon?

11 A Yes.

12 Q How did you know them?

13 A Market Street. They worked there also.

14 MR. LAUX: I'm sorry, Tom, the second  
15 person you said was Brandon?

16 MR. CARPENTER: Brandon Booe. That's  
17 Chaffin's brother.

18 Q (By Mr. Carpenter) In the time that y'all started  
19 dating again in late April or early may of 2008, you all  
20 being you and Mr. Collin Spradling, did y'all ever do  
21 anything with Chaffin Booe?

22 A Yes.

23 Q Tell me about that.

24 A I mean, we'd go to his house, hang out, watch  
25 movies, go down to the river, ride around.

1 Q Would it just be the three of you?

2 A A lot of times, there -- Liz would be with us,  
3 Chaffin's girlfriend at the time. Or Little John was  
4 another friend of ours that would come out a lot.

5 Q Anybody else?

6 A I mean, yeah, Big John. I mean, there was -- I  
7 mean, we had a big circle. Bubba. Sorry about these  
8 names. But, yeah.

9 Q Did you know Matthew Carpenter?

10 A No.

11 Q I want you to look at your statement for just a  
12 second, on the first page, which is numbered Page 145  
13 from the sequential list.

14 A Okay.

15 Q It starts out Mr. Ray giving you the time, and his  
16 question is, Okay, how did you end up down here? "Why  
17 -- why are you here? What happened today inside your  
18 home?" And then there's an answer from you that lasts a  
19 pretty long period of time. Did the detective interrupt  
20 you any time during that part of your answer?

21 A I don't recall. I don't think so.

22 Q And then he said -- it says he said, okay, let's  
23 back up a little bit. "You and -- you and Collin were  
24 in your room?" And you said, "Uh-huh." "Okay.  
25 Talking, laying on the bed, sitting in chairs, what were

1 you doing?" And then you gave an answer, "We were  
2 laying on the bed watching TV." Did he interrupt you  
3 during that particular answer?

4 A No.

5 Q Then he followed up with, "Just have to ask, fully  
6 clothed at that point?" You said, "Yes." Did he  
7 interrupt you during that particular answer?

8 A No.

9 Q Then he said, "Okay, so you all wasn't in your  
10 sleeping britches or nothing like that?" And your  
11 answer was, "Well, yeah, I had -- I had my boxers on and  
12 my T-shirt, and I had put my jeans on." Did he  
13 interrupt you during that answer?

14 A I believe so.

15 Q Where?

16 A It was when I started to answer mine, he actually,  
17 I believe, started to say, and also, what did Collin  
18 have on, before I had finished.

19 Q And when you listened to the tape of your  
20 statement, did you hear that?

21 A Yes.

22 Q So looking back at this transcript where it says,  
23 well, yeah, I had -- I had, there's a hyphen there. Is  
24 what you are telling me is, where that hyphen is and  
25 what you were saying is where his next question is?

1 A Right.

2 Q And then you answered, he had on shirts and jeans.

3 A Yes.

4 Q Did he interrupt that answer?

5 A No.

6 Q Then he said, "So he already had his jeans on?"

7 And your response was, yeah, but he had his belt off

8 because he had just finished -- did he interrupt that

9 answer? I'm not going to read the rest of that line.

10 Did he interrupt that answer?

11 A Yes.

12 Q And tell me about that.

13 A I think he just kind of went back to, so he had

14 jeans on but with the belt, or was fixing his belt.

15 Q He said fixing his belt? He meaning Detective --

16 A The detective.

17 Q -- Ray?

18 A Correct.

19 Q And is that -- where that hyphen is, is that where

20 that occurred?

21 A I think so, yes.

22 Q Then he -- so the statement that's below that, when

23 you were coming out he was fixing his belt, and the line

24 in between where it has you answering, yeah, he was

25 fixing his belt, that all is at that hyphen between he



1 and --

2 A Right. It was all together, yeah.

3 Q I see. Then the next question is, "Could you" --  
4 and he sneezed -- "excuse me. When you -- when they  
5 walked outside -- first of all, your mother told you the  
6 police were outside," and you said, "Right." Did he  
7 interrupt that answer?

8 A No.

9 Q "When you walked outside, what were you greeted by  
10 as far as, were they uniformed police officers, were  
11 they detectives, were they -- what were they?" And on  
12 Page 147 it says your answer is, "They were in normal  
13 clothes." Did he interrupt that answer?

14 A No.

15 Q Then he repeats -- he, being Detective Ray --  
16 "Normal clothes? Did they identify your -- themselves  
17 to you as police officers?" There's a hyphen there,  
18 which is what I'm going to get at, and you said in the  
19 answer, "No, not really to me. They just kind of send  
20 me to the side. And then when Collin came walking out  
21 (inaudible)." Did he interrupt that answer?

22 A Yes. When he asked if they had identified, that's  
23 when I was going to respond, no, not, you know, to me,  
24 and then he continued on, so maybe I interrupted him. I  
25 don't know. I mean, it was -- yeah.

1 Q I think what I'm really kind of asking you is,  
2 there's a two-line answer of you, "No, not really to me.  
3 They just kind of send me to the side." Are you  
4 indicating that that part attributed to you probably  
5 goes in that hyphen, did they identify?

6 A Yes.

7 Q Thank you. And then the question is, "Did you see  
8 any badges or anything like that?" And your answer was,  
9 "I saw guns." Was that interrupted?

10 A No.

11 Q We're coming up to another hyphen. Then he asked,  
12 "Did you see badges or anything like that?" He asked  
13 that a second time.

14 A Right.

15 Q And your answer is, "No, but I -- I just --" Is  
16 this another interrupted answer?

17 A Yes.

18 Q Between the two I's or after the just, is that when  
19 the question, "Was there any doubt in your mind at that  
20 point that they were the police, or was there some  
21 question," is that what the interruption was?

22 A I believe so.

23 Q And then, "I mean not -- not really." And you're  
24 saying in the "And so you --" falls into the not -- not  
25 really. He interrupted you there?

1 A I'm not sure if he interrupted me there or not.

2 Q But he did interrupt the next one, because he says,  
3 "And so you --" and you said, "But --" and then he says,  
4 "-- you figured they were police at that point," and you  
5 said, "Right."

6 A Right.

7 Q So that was the two of y'all talking at the same  
8 time.

9 A Yeah.

10 Q I want you to turn to Page 148 for a second. About  
11 halfway down, Detective Ray says, "And the officer said,  
12 'You know what this is about,'" and you answered,  
13 "Yeah." So you heard one of the police officers say  
14 that to Collin?

15 A Yes, he told Collin, "You know what this is about."

16 Q And then Officer Ray -- Detective Ray asked, "And  
17 what did Collin do," and you said, he began to resist.

18 MR. LAUX: Well, I'm going to object to the  
19 form of that question as incomplete.

20 Q (By Mr. Carpenter) "He began to resist and --" I  
21 mean, is that -- was that an interrupted answer?

22 A I mean, yes, that's not what I was -- when they  
23 said that, that was before. Because when Collin came  
24 out, he had said, "What is this about," and they said,  
25 "You know what this is about. Put your hands behind

1 your back." I mean, he didn't resist just because they  
2 said, "You know what this is about." It was when he put  
3 his hands behind his back.

4 Q Now, what did you mean by resist?

5 A I mean, that's what I'm saying, I don't know -- I  
6 mean, I didn't use the word resist, it was more his word  
7 that he kept using, so I just used it too, because I  
8 didn't know what else to call it. I mean, when they had  
9 his hands behind his back, he did roll his right  
10 shoulder forward, which they were saying was, he's  
11 resisting arrest.

12 Q Are you saying -- it says on the transcript,  
13 Detective Ray: And what did Collin do? Hatfield: He  
14 began to resist and --

15 A Right.

16 Q And you're saying that Detective Ray had used that  
17 word, resist, before then?

18 A I don't know if Detective Ray did. The officers on  
19 the scene had said that.

20 Q The officers on the scene? I understand.

21 A Yes.

22 Q And what did resist mean to you?

23 A I mean, resist to me means somebody's like trying  
24 to fight or run, but that's where, here, he began -- and  
25 I kept trying that's why I'm trying to say and, because

1 it wasn't -- he didn't do that. I mean, he did roll his  
2 shoulder forward and I don't -- so I just didn't know if  
3 that means resist or not. I don't know the definition  
4 of it for y'all.

5 Q What do you remember that Collin did at that point?

6 A Collin rolled his shoulder, his right shoulder,  
7 forward when they were trying to put handcuffs on him.

8 Q Could you tell if it -- did it appear as if he was  
9 trying to avoid having handcuffs put on him?

10 A I don't know if it was that he was avoiding  
11 handcuffs or that it hurt. I mean, he had shoulder  
12 problems and they -- I mean, they jerked his arms behind  
13 his back. I mean, they were in like an "X" shape behind  
14 his back.

15 Q But he didn't say anything?

16 A (Witness shaking head from side to side.)

17 Q You're going to have to answer with a --

18 A No.

19 Q And did he make any sound? Did he cry or anything  
20 of that nature?

21 A No.

22 Q Do you need to take a minute?

23 A No, I'm okay.

24 Q What did you do when you saw Collin do that?

25 MR. LAUX: Saw Collin what?

1 Q (By Mr. Carpenter) Do that, roll his shoulder.

2 A Oh, that's -- I mean, I was just screaming.

3 Q What were you screaming?

4 A Stop, and why is this happening. And I think I was  
5 just saying baby, baby, baby, over and over.

6 Q We have seen a description that you were freaking  
7 out. Would you say you were freaking out at that  
8 moment?

9 A Absolutely.

10 Q Can you tell me what you mean by freaking out.

11 A I was hysterical. I was -- I didn't understand  
12 what they were doing.

13 Q And that -- your becoming hysterical, was it the  
14 moment that he resisted, or pulled away, or rolled his  
15 shoulder, however it's phrased? That's the moment you  
16 became hysterical; is that correct?

17 A I mean, it was probably a little before that, when  
18 they said, "You know what this is about," and just  
19 jerked his hands.

20 Q Assuming that it -- your being hysterical began  
21 when an officer said, "You know what this is about" --

22 A Right.

23 Q -- when did you stop being hysterical?

24 MR. LAUX: Object to the form.

25 Q (By Mr. Carpenter) Did you stop being hysterical?

1 MR. LAUX: Same objection.

2 A No. I mean, I don't -- I mean, this was very  
3 traumatizing.

4 Q (By Mr. Carpenter) And I understand that. What  
5 I'm trying to --

6 A But was I in my right mind? I mean, yeah, but I  
7 was very emotional and traumatized by what was going on.

8 Q What I'm trying to get at is, you've given me a  
9 starting point as this first struck you in the shocking  
10 way --

11 A Right.

12 Q -- when the officer said, "You know what this is  
13 about."

14 A Right.

15 Q When is the first moment after that, that you  
16 didn't feel you were in that kind of shock?

17 A Two and a half years later.

18 Q I'm trying to narrow that down, because you've  
19 worked since then, you've been able to perform your  
20 duties --

21 A Right.

22 Q -- you've gotten married, you've raised a child, I  
23 mean --

24 A Yeah.

25 Q -- so there's a time that you weren't like you were

1 at the moment you felt the shock.

2 A This was five and a half years ago. I've had  
3 probably about three years, yeah, where my life has been  
4 somewhat on a steady path.

5 Q After the officer made the comment, "You know what  
6 this is about," and you first reacted in the manner that  
7 you described, when was the first time you calmed down?

8 A Probably after I finally got to see my mom and  
9 brother.

10 Q Can you give me a time? I'm not holding you to the  
11 time.

12 A Yeah, I mean, we don't --

13 Q Like kind of a time frame.

14 A -- have anything, so I don't know. I mean, later  
15 on that afternoon, when we finally got to see each  
16 other, so I guess it was 1:00 or 2:00 that afternoon.

17 Q Whatever it was?

18 A Yeah.

19 Q Is a fair way to say it, when y'all got together to  
20 be driven back to Gillette?

21 A No, I was still pretty out of it then. I mean, my  
22 mom just held me the whole way home and I just kept  
23 asking if he was truly dead.

24 Q Earlier, we heard a description about getting back  
25 to your house and then walking down to a relative's



1 house.

2 A We had to.

3 Q I know you were upset. I don't mean, when I say  
4 calmed down --

5 A Right.

6 Q -- not upset anymore. I mean, not the kind of  
7 reaction you had immediately when you heard the officer  
8 say, put his hands behind your back. That's the one I'm  
9 trying to see. When would you say that ended?

10 A I mean, it was not until later. I mean, when we  
11 got back from the police station, there was cops all  
12 over our house, there was news crews all over the house.  
13 I mean, it was probably not until the next day or even  
14 the day after, because our house was destroyed. My car  
15 was in impound. It was a long process of trying to get  
16 everything back.

17 Q A fair statement then would be, a day or two later  
18 before you didn't have one event after another keeping  
19 you excited. Is that a fair statement?

20 MR. LAUX: Object to the form. I don't  
21 understand the question, but if you understand  
22 it, you can answer it.

23 A Well, that's what -- I don't know. I mean, no, I  
24 had friends calling, I had people coming by, I had -- I  
25 mean, no, it was a long drawn-out process. I had to go

1 and explain to his family what had just happened to  
2 their son.

3 Q (By Mr. Carpenter) And you went over there that  
4 night?

5 A Yes, that was -- I had to get to them. They needed  
6 to know the truth.

7 Q Did you stay in contact with his family after July  
8 the 16th of 2008?

9 A Yes.

10 Q How long did you stay in contact with them?

11 A I mean, I still talk to them every once in a while.  
12 I mean, I haven't lately, but we still -- we'll e-mail  
13 and keep each other informed of what's going on.

14 Q Would it be fair to say that you were more in  
15 contact with them immediately after the event?

16 A I mean, we stayed in contact for years, but --

17 Q What I'm going to ask is, tell me about that  
18 contact. I mean, when you say contact --

19 A I went to their Thanksgiving dinners, their  
20 Christmas dinners, birthdays. His son would come and go  
21 swimming with me over at my aunt's. I would take him,  
22 you know --

23 MR. LAUX: Whose son?

24 THE WITNESS: Collin's son.

25 A And I would take him swimming.

1 Q (By Mr. Carpenter) And that's Tyler, right?

2 A Yes, Tyler. And I would, you know, hang out with  
3 him a lot; basically, every weekend.

4 Q At one point, your mother obtained a photocopy of  
5 the police file in this case.

6 A Yes.

7 Q And she prepared a letter to go with that photocopy  
8 of the police file and gave it to you to give to Mr.  
9 Spradling. Did you do that?

10 A Yes.

11 Q When did you do that?

12 A I mean, it was a few months after, I guess. It was  
13 at a gathering they were having, either a birthday or, I  
14 don't know, Thanksgiving. I mean, it was something.

15 Q Thanksgiving after the July incident?

16 A Yes.

17 Q So about five or six months, whatever that is?

18 A Yeah.

19 Q Did you and Mr. or Mrs. Spradling, meaning Mike  
20 Spradling or his wife, did y'all ever discuss what was  
21 in that file?

22 A No.

23 Q What did they say when you offered the file to  
24 them? And I'm not asking for exact words.

25 A Yeah. I mean, Mike just took it. I mean, he -- I

1 had told him I had it and he said, "Give it to me later  
2 on," because I don't think he wanted Judy to see it  
3 right then. And I think he actually walked me out to my  
4 car that night when I was leaving and I handed it to him  
5 then.

6 Q Now, the file that we saw had around 500 pages in  
7 it; it was in a big box. Is that what you gave to him?

8 A Yes.

9 Q We heard some testimony earlier today from your  
10 mother that, at one point, she became aware that the  
11 Spradling's were having difficulties finding legal  
12 counsel. Were you aware of that?

13 A Yes.

14 Q Tell me what you know about that.

15 A I mean, Mike would just -- he would just kind of  
16 say certain things, or Judy would say, well, we  
17 contacted this attorney and there was a conflict of  
18 interest, or we contacted this attorney and they said  
19 they're not interested.

20 Q Do you remember any names of the attorneys that  
21 they said they contacted?

22 A That one that they had conflict, he's on the news,  
23 and it was Gary.

24 Q Gary Green?

25 A Yes, Gary Green was one. I can't remember -- I do

1 remember he was the one I believe they had conflict of  
2 interest with.

3 Q Your mother testified that she sent two names, one  
4 was of a female attorney that she can't remember and one  
5 was an attorney named Chip Welch. Do you remember that?

6 A Yes.

7 Q Did you take those names to the Spradling's?

8 A Yes.

9 Q Your mother also made a comment that she had  
10 thought about calling the Attorney General's Office and  
11 felt that you had -- you said that Judy couldn't --  
12 needed -- do you remember your mother talking about  
13 contacting the Attorney General's Office?

14 A Yes.

15 Q Did you express any feelings to her as to how Mrs.  
16 Spradling might have reacted to that?

17 A I don't think so.

18 Q Do you remember ever saying something to your  
19 mother to the effect of, Judy Spradling needed to heal?

20 A I think I probably said that, yeah, I don't think  
21 Judy is ready. I don't think she ever will be. But  
22 Mike was definitely wanting to have as much information  
23 as he could, and he made that clear to me.

24 Q When you say that you didn't think Judy was ready,  
25 what do you mean? Ready for what?

1 A I can't really explain. She's different than I am.  
2 She, you know, has to do --

3 Q Well, what did you mean by it is what I'm asking.

4 A I don't think she understood exactly what happened,  
5 and so I think she just was going in the line of what  
6 she, I guess, thought was right versus wrong. I don't  
7 know. I think she had a hard time believing that her  
8 son was killed by police for no reason.

9 Q And just to clarify, this is a perception that you  
10 had. She never actually said anything like that to you?

11 A She really didn't, but Mike did.

12 Q What did Mike say to you?

13 A He told me that she's not okay and that -- and I  
14 guess he's probably the one that told me she needs to  
15 heal, if she ever does. And she just wanted to focus on  
16 Tyler.

17 Q Have you talked to them about the incident since  
18 Mr. Laux has become an attorney for them?

19 A No.

20 Q Did you talk to them about Mr. Laux becoming an  
21 attorney for him? Not recommending him, but just the  
22 fact that he had?

23 A No.

24 Q Were you surprised when the lawsuit was filed?

25 A Yeah.

1 Q Can you tell me why?

2 A Because, I mean, it just never felt like anybody  
3 was going to listen or help them. It's been a battle.

4 Q When you came out of the house, back on the 16th,  
5 your mother was in front of you; is that right?

6 A Right.

7 Q And Collin was behind you?

8 A Right.

9 Q Where was Paul?

10 A Paul had gone to put the dogs up and then he came  
11 out shortly after Collin. I mean, I think Collin -- the  
12 police already had him down to the ground before Paul  
13 came out, but, I mean, that all happened within seconds.

14 MR. CARPENTER: That's all we have. Thank  
15 you.

16 THE WITNESS: Thank you.

17 FURTHER EXAMINATION

18 BY MR. LAUX:

19 Q Rachael, I'm actually going to ask you just a few  
20 follow-up questions. These will be confined just to the  
21 scope of questions that Mr. Carpenter asked you, so no  
22 new business. Okay?

23 A Okay.

24 Q You were asked questions regarding your statement  
25 in the form of this transcript, which is marked as

1 Exhibit 1, correct?

2 A Correct.

3 Q Have you personally verified the accuracy of  
4 everything in this transcript?

5 A No.

6 Q Do you know who transcribed this?

7 A No.

8 Q Do you vouch for its total authenticity or  
9 accuracy?

10 A No.

11 Q Mr. Carpenter was asking you about -- and you were  
12 testifying about times that you thought that Detective  
13 Ray was cutting you off in the middle of your answers,  
14 right?

15 A Right.

16 Q And I want to ask you about a couple of those. If  
17 you could turn to Page 148 on Exhibit 1, please.  
18 Trusting this to be an accurate reflection of your  
19 statement, about a little bit more than halfway down,  
20 Tom already covered this, but you indicate here,  
21 Detective Ray says, "And what did Collin do," and you  
22 respond, "He began to resist and --" and then Ray cuts  
23 you off with, "Why," correct?

24 A Yes.

25 Q And you say, "Huh?" Were you surprised for him to



1 ask that question at that time?

2 A Well, yeah, I was trying to answer, and so I didn't  
3 really know what he was saying why to, I guess.

4 Q And then he --

5 A I don't know why Collin would resist.

6 Q Right. And he asked you a question, "Why would he  
7 resist?" Do you know why Detective Ray would think you  
8 would know the answer to that?

9 A I have no idea.

10 Q There are a number of inaudibles peppered  
11 throughout this transcript, would you agree with that?

12 A Right. Yes.

13 Q And you don't know, necessarily, what was said at  
14 any of those times; is that true?

15 A Correct. I mean, some of them -- there was one  
16 that I know I said, no, but -- where he had put  
17 inaudible.

18 Q Directing your attention to Page 152, at the very  
19 bottom, you're talking about the scuffle, as Detective  
20 Ray put it -- he also called it wrestling -- and you  
21 indicate that, at first, you were right in front of them  
22 but then you were moved back, behind; is that correct?

23 A Correct.

24 Q And then Ray states, "Who moved you," and you say  
25 "Huh," right?

1 A Right.

2 Q And then he says again, "Who moved you?" And then,  
3 turning the page, you begin to say, "Well, just the  
4 action of them --" and then it sounds like he cut you  
5 off there; is that right?

6 A Yes.

7 Q You were about to talk and describe the action that  
8 was taking place; is that true?

9 A Correct.

10 Q And he cut you off and said, "Oh, I see;" is that  
11 right?

12 A Yes.

13 Q And then you try to continue your answer and then  
14 he cut you off again; is that right?

15 A Yes.

16 Q Turning to Page 154, the first line attributable to  
17 you -- strike that.

18 Detective Ray says, he was fighting -- once he got  
19 to the ground and the fight ensued, you're not sure if  
20 they contained his hands or not, and you say, "But --  
21 right. I don't know --" and then it seems like he cuts  
22 you off again; is that right?

23 A Yes.

24 Q Did it seem to you that he was trying to get you to  
25 say that you could not see Collin's hands?

1 A Yes.

2 Q At the bottom of Page 154, you tell Detective Ray  
3 that you heard one of the officers say that he has a gun  
4 to the back of Collin's head; is that right?

5 A Yes.

6 Q Did he ask you any follow-up questions about that?

7 A No.

8 Q Did that seem to interest him?

9 A No.

10 Q Just a couple more and we'll be all done.

11 Page 156, about two-thirds of the way down,  
12 Detective Ray says, "Were you aware if Collin had a  
13 pistol in his pocket;" is that right?

14 A Yes.

15 Q And you said, "No, I didn't think it was in his  
16 pocket," correct?

17 A Correct.

18 Q And then he says, "But you didn't --" and you're  
19 trying to talk and he kind of cuts you off, or you guys  
20 are talking over each other; is that true?

21 A Yeah, I mean, when I listened to the tape, it is  
22 more, I was just trying to tell him and he cut me off.

23 Q And then he says, "I'm not trying to trick you. I  
24 promise, I'm not;" is that right?

25 A Yeah. And I had the same reaction.

1 MS. AUSTIN: I'm sorry, I didn't hear that.

2 THE WITNESS: I said, I just had the same  
3 reaction. I just laughed at that, because  
4 that's how I felt like he was doing.

5 Q (By Mr. Laux) Turning the page -- and at some  
6 point during this questioning -- it's not on this page  
7 but, at some point, he actually brandished his weapon  
8 and showed it to you; is that right?

9 A Yes.

10 Q Meaning Detective Ray showed you -- in an enclosed  
11 room, he showed you his pistol, right?

12 A Yes.

13 Q On Page 157, after you told Detective Ray that you  
14 saw Collin put the gun in his truck, did he seem to try  
15 to get you to step back from that statement?

16 A Yes.

17 Q Halfway down the Page 157 he asked you, "Did he  
18 show it to you last night when you were in the truck,"  
19 and you began to speak and then he cut you off; is that  
20 right?

21 A Correct.

22 Q This was a stressful time for you, correct?

23 A Yes.

24 Q And being separated -- if I understood your  
25 testimony from Mr. Carpenter's questioning, being

1 separated from your mother and your brother in this way  
2 was producing more stress for you; is that true?

3 A Absolutely.

4 Q Do you think you would have been in a better frame  
5 of mind to answer questions had you had the support of  
6 your mother at that time?

7 A Yes. Yeah, I mean, I didn't have -- I wasn't able  
8 to see her or my brother at all after it happened. I  
9 didn't even know where they were.

10 Q At the bottom of Page 157 you tell Detective Ray,  
11 quite clearly, that you saw him, meaning Collin, take  
12 the gun back out to the truck on July 15, correct?

13 A Correct.

14 Q And then he says, Did he tell you he took it back  
15 out to the truck or did you see him take it back out to  
16 the truck, or -- and then, turning the page, you say, "I  
17 saw him take it back out --" and then he kind of cuts  
18 you off again, right?

19 A Yes.

20 Q But you were able to get out, "-- into the truck"?

21 A Right.

22 Q But then he goes and says, "But you don't know --"  
23 and then he goes on to say, "Did at any point he go back  
24 last night where he could've got the gun back," and you  
25 say, "I mean, he could've. I don't know --"

1 A Right.

2 Q And then he cuts you off again, right?

3 A Correct. And that sounds, my definition of a  
4 leading question, I guess, because I don't know how else  
5 you answer, could he have done this. Well, I mean,  
6 anybody could do anything.

7 Q And did it seem to you like he was trying to keep  
8 open the possibility that Collin went to his car after  
9 you saw him put the -- sorry, Collin went to his truck  
10 after you saw him put the gun in the truck and might  
11 have gotten it back in his possession sometime before  
12 the shooting?

13 A Yes.

14 Q He even suggests that Collin might have felt unsafe  
15 leaving it in the car, right?

16 A Correct.

17 Q Did Detective Ray know Collin?

18 A No. I mean, not that I know of.

19 Q And then you go and say, "He -- usually, if he did  
20 have anything, it would be in his car."

21 A Yeah.

22 Q "He never really kept it right on him," right?

23 A Correct.

24 Q And then Ray says, "Normally;" is that right?

25 A Correct.

1 Q And then you say, "Right. I mean --" and then he  
2 cuts you off and starts asking questions about where you  
3 work.

4 A Yes, and that's where I was trying to explain to  
5 him that Collin had -- you know, he was familiar with  
6 guns, how to travel with them. I mean, he kept the clip  
7 in the console and the gun in the glove box. I mean, he  
8 never kept it even together in a vehicle; it was always  
9 apart.

10 Q Did you do the best that you could to answer the  
11 questions that were asked of you, given the situation?

12 A Yes.

13 Q My last question has to do with Chaffin, is it Boo  
14 or is it Booe?

15 A Booe; just Booe.

16 Q And is Chaffin still with us?

17 A No.

18 Q What happened to Chaffin, if you know?

19 A He killed himself; shot himself in the head.

20 Q Do you have -- Mr. Booe was a friend of yours; is  
21 that correct?

22 A Yes.

23 Q When had you last spoken with him before he passed  
24 away -- before he committed suicide?

25 A It had been a couple of months, at least, if not --

1       yeah, I mean, probably two to six months. And I was  
2       upset with him.

3       Q     Why were you upset with him?

4       A     Because of the things he had said. He turned his  
5       back on Collin. We had gotten a copy of his statement  
6       that he had given to police and he flat out lied.

7       Q     He was being questioned by an LRPD investigator?

8       A     Yes.

9       Q     Do you recall who that investigator was?

10      A     I'm not sure.

11      Q     Do you have any opinion -- based on knowing Mr.  
12      Booe and based on the situation, do you have any opinion  
13      of why he might have taken his life?

14                       MR. CARPENTER: I'm going to object on  
15                       foundation.

16      Q     (By Mr. Laux) I mean, you know, this is a --

17      A     Yeah, I mean, his mother said he felt a lot of  
18      guilt and a lot of pain from what had happened with  
19      Collin.

20      Q     Perhaps he might have born -- might have beared  
21      some responsibility for setting some of this  
22      situation --

23                       MR. CARPENTER: Objection to the form.

24                       MR. LAUX: I'll withdraw it.

25      Q     (By Mr. Laux) You said that Collin's arms were



1 grabbed by these officers. Could you describe the  
2 degree of force that they used when they did that, when  
3 he turned around?

4 A That's what -- I mean, that's what got me upset. I  
5 just thought it was very aggressive. I never -- I mean,  
6 I know they put your hands behind your back to handcuff  
7 them, but his arms were like in an "X" behind -- I  
8 didn't even know your arms could do that.

9 Q So it was a pretty high degree of force, in your  
10 opinion?

11 A Yes.

12 Q Collin, was he a brawny guy, a small guy? How  
13 would you describe him physically?

14 A He was skinny, scrawny. I mean, he was 5'2", 140  
15 pounds.

16 Q When you gave the file to Mr. Spradling, was there  
17 any type of audio or video disc in the file?

18 A No, it was just pictures and the statements, I  
19 guess.

20 Q All paper?

21 A All paper.

22 Q And the pictures were black and white or color?

23 A Black and white, from the ones I had seen. I  
24 didn't look at all of them.

25 Q This is an exhibit from your mother's deposition,

1 Exhibit 2. What am I looking at here, if you know?

2 A That's my old car.

3 Q And that was the car that you owned in July of  
4 2008?

5 A Yes.

6 Q And this photograph fairly and accurately depicts  
7 your car as it looked then?

8 A Yes.

9 Q And this is the car that was seized for a while by  
10 the police?

11 A Correct.

12 MR. LAUX: Rachael, thank you very much for  
13 your testimony. I have nothing more. Mr.  
14 Carpenter is entitled for a little bit more  
15 follow-up if he wants to.

16 FURTHER EXAMINATION

17 BY MR. CARPENTER:

18 Q I need you to turn to Page 150

19 A Okay.

20 Q At the very top, Detective Ray says, "For the tape,  
21 I actually displayed my Glock .40 in a safe manner  
22 (inaudible) that didn't scare you or anything?" There's  
23 an answer. You said, "No." Were you accurate?

24 A I kept repeating no, no, no, but when you listen to  
25 the tape, you can pretty much tell it freaked me out.

1 Q He says, "I want to make sure --" and you said,  
2 "No."

3 A Right.

4 MR. LAUX: Asked and answered.

5 Q (By Mr. Carpenter) He said, "I didn't intimidate  
6 you?" And you answered?

7 A No.

8 Q Were you truthful?

9 MR. LAUX: Object to the form.

10 A I guess at that moment. I don't know. I mean --

11 Q (By Mr. Carpenter) You don't know if you were  
12 truthful?

13 A -- did I think he was going to hurt me? No. But  
14 do I think it was asinine that he put his gun on the  
15 table after what I just witnessed? Yeah, I mean, it was  
16 pretty crazy.

17 Q And this is after he had asked you a few questions  
18 about what type of weapon that Collin had, when you said  
19 he had a .45.

20 A And I was trying to describe it to the "T", because  
21 I knew the difference between an automatic and a  
22 revolver, and he proceeded to show me a poster and pull  
23 out his gun.

24 Q So the gun thing had to deal with him getting  
25 information about the type of weapon?

1 A Yes.

2 MR. LAUX: Object to the form.

3 A Yes. They were wanting to know -- I think it was  
4 about the type of weapon that he had the night before,  
5 or what I had ever seen him with.

6 Q (By Mr. Carpenter) On Page 149, about a third of  
7 the way down, it says "Hatfield: I don't know anything  
8 about guns." Was that an accurate statement?

9 A Let's see. Well, I don't know anything, but I know  
10 the difference between a revolver and an automatic, and  
11 that's what I was trying to tell him and he wouldn't let  
12 me finish. That's when he showed me the poster and then  
13 pulled the gun out.

14 Q Let's go to 148, the bottom of the page, Detective  
15 Ray, "Okay. What kind of handgun did Collin have?"  
16 You, Ms. Hatfield, "I know he had a .45."

17 A Correct.

18 Q Detective Ray, "That's like a semi-automatic with a  
19 clip that goes in the bottom, or was that the old cowboy  
20 revolver," and you answered, "It was a little pistol."

21 A Right. I mean, again, though, he didn't let me  
22 finish what I was going to say on that.

23 MR. CARPENTER: That's all.

24 MR. LAUX: And I have nothing more,  
25 Rachael. Thank you very much for your time.

1 We very much appreciate it. I'll just say very  
2 quickly, you have the opportunity to review the  
3 deposition transcript for accuracy. It's  
4 verified by our fine court reporter here and  
5 you would have 30 days to make any changes.  
6 You can't change anything of substance, only  
7 grammar, syntax, and misspellings, and that  
8 type. Or you can say, I trust our court  
9 reporter and I waive it. It's up to you. I  
10 don't represent you. Would you like to have an  
11 opportunity to review this before it becomes  
12 official?

13 THE WITNESS: Yes.

14 MR. LAUX: Very good. The witness will  
15 review.

16 (WHEREUPON, the deposition was concluded at  
17 3:35 p.m.)

18 (WITNESS EXCUSED)

19 \* \* \* \* \*

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

MICHAEL SPRADLING, as Personal  
Representative of the Estate of  
WILLIAM COLLIN SPRADLING, Deceased

PLAINTIFF

VS.

NO. 4:12-CV-693 JMM

CLAY HASTINGS, et. al.

DEFENDANTS

---

ORAL DEPOSITION OF

PAUL HATFIELD

FEBRUARY 7, 2014

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**COPY**

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ALSO PRESENT:

MRS. CHRISTINA HATFIELD

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(NO EXHIBITS WERE IDENTIFIED OR ATTACHED)



## CAPTION

ANSWERS AND ORAL DEPOSITION OF PAUL HATFIELD, a witness produced at the request of the Plaintiff, taken in the above-styled and numbered cause on the 7th day of February, 2014, before Faith Grigsby, Arkansas Supreme Court Certified Court Reporter #686, at 3:45 p.m., at the Double Tree Hilton, 424 West Markham Street, Little Rock, Arkansas, pursuant to the agreement hereinafter set forth.

\* \* \* \* \*

## STIPULATIONS

IT IS STIPULATED AND AGREED by and between the parties through their respective counsel that the oral deposition of PAUL HATFIELD, may be taken for any and all purposes according to the Federal Rules of Civil Procedure.

\* \* \* \* \*

PROCEEDINGS

THEREUPON,

PAUL HATFIELD,

THE WITNESS HEREINBEFORE NAMED,  
having been first duly cautioned and  
sworn by me to testify to the truth,  
the whole truth, and nothing but the  
truth, testified on his oath as  
follows, to-wit:

EXAMINATION

BY MR. LAUX:

Q Good afternoon. I wonder if I could ask you to  
state your full name and spell your last name for the  
record.

A Paul Nicholas Hatfield, H-A-T-F-I-E-L-D.

MR. LAUX: Please let the record reflect  
that this is the discovery deposition of Paul  
Hatfield taken here at the Doubletree Hilton on  
Markham in Little Rock, Arkansas. Let the  
record also reflect that this deposition is  
going to proceed in accordance with the rules  
of the Arkansas Supreme Court, the rules of the  
Eastern District of Arkansas Federal Courts,  
and all local applicable rules here in Little  
Rock.

1 Q (By Mr. Laux) Paul, have you ever given a  
2 deposition before?

3 A No.

4 Q Let me, very briefly, go over the rules for you so  
5 that we can have a clean record and, hopefully, get you  
6 out of here as soon as possible. Okay?

7 A Okay.

8 Q I'm going to be asking you a series of questions to  
9 which, hopefully, you can provide answers. If yes or no  
10 is the answer, that's the preferred answer. I don't  
11 know and I don't remember are acceptable answers also,  
12 if that's the case. Okay?

13 A Okay.

14 Q If something requires more than a yes or no answer,  
15 please feel free to answer as you like. Okay?

16 A Okay.

17 Q We're only interested in what you know and what  
18 you've personally observed or experienced, and we don't  
19 want you to speculate. Okay?

20 A Okay.

21 Q As you can see, we have a court reporter here  
22 taking down everything that we say and she can only take  
23 down one of us at a time, so it's very important that we  
24 not speak over each other. To that extent, I would ask  
25 that you wait until I'm finished with my question before

1 you answer, even if you think you know where I'm going  
2 with it. Okay?

3 A Okay.

4 Q And, likewise, I will do my best to wait until  
5 you're done with your answer before I pose another  
6 question. Okay?

7 A Okay.

8 Q You're doing a good job thus far by answering  
9 audibly as opposed to shrugs of the shoulders or nods of  
10 the head. Please continue that. Okay?

11 A Okay.

12 Q And as loud or as clearly as you can speak, it  
13 would probably benefit our court reporter. Okay?

14 A Okay.

15 Q Finally, if for any reason during your deposition  
16 you want to take a break, as long as a question is not  
17 pending, you feel free to let us know and we'll do that.  
18 Okay?

19 A Okay.

20 Q Paul, have you and I ever met before today?

21 A No.

22 Q Have you reviewed anything in preparation for  
23 today's deposition?

24 A I've seen a few -- went over a video of the events  
25 and went over the audio of my post incident interview.

1 Q When you say a video of events, does that mean like  
2 a dashboard cam video that had audio on it?

3 A A dashboard cam video and the audio of the  
4 officers, yes.

5 Q Great. And then you also listened to the audio  
6 recording of the statement that you gave to  
7 investigators that day?

8 A Yes.

9 Q Did you also look at a transcript of that  
10 statement?

11 A Yes.

12 Q Other than these three items that you've described,  
13 have you reviewed anything else in preparation for  
14 today's dep?

15 A No.

16 Q What's your date of birth?

17 A 11/06/89.

18 Q And you were born here in Little Rock?

19 A Yes.

20 Q Where did you go to high school?

21 A Catholic High for Boys.

22 Q All boys?

23 A Yes.

24 Q Me, too. Marquette High School, Milwaukee,  
25 Wisconsin.

1 And you graduated in what year?

2 A 2008.

3 Q And you went on to higher education, did you not?

4 A Yes.

5 Q And what type of education did you pursue?

6 A I majored in systems engineering, mechanical, at  
7 UALR.

8 Q And you earned a degree?

9 A Yes.

10 Q Excellent. When did you do that?

11 A I graduated 2013. This past May.

12 Q Tough job market out there?

13 A It is.

14 Q Are you employed as we speak?

15 A No.

16 Q Where are you living these days?

17 A With my mom.

18 Q And that's 621 Gillette Drive?

19 A Yes.

20 Q A question we have to ask everybody, certainly take  
21 no offense, have you ever been convicted of a felony or  
22 a crime involving honesty or dishonesty?

23 A No.

24 Q I'd like to direct your attention to July, 2008.  
25 Where were you living at that time?

1 A With my mom; the same house.

2 Q And your sister -- well, strike that.

3 You have a sister, Rachel?

4 A Yes.

5 Q And your mom is Christina Hatfield?

6 A Right.

7 Q Did your sister have a boyfriend in July of 2008?

8 A Yes.

9 Q And what was his name, if you recall?

10 A Collin Spradling.

11 Q And directing your attention more specifically to  
12 the date of January 16, 2008, does that date resonate  
13 with you for any reason?

14 A I can't recall, no.

15 Q Well, did something happen involving Collin  
16 Spradling at your home in July of 2008?

17 A Yes.

18 Q And anything particular that you could comment on?

19 A That is the month that he was shot and this entire  
20 incident took place.

21 Q And I'm sorry if I'm kind of coming at it sideways.  
22 I'm trying to establish dates. But I'm going to  
23 represent to you that on July 16 of 2008, Collin  
24 Spradling was shot and killed at your home.

25 A Yes.

1 Q You don't debate that, do you?

2 A No.

3 Q Were you an eyewitness to that shooting?

4 A Yes.

5 Q I'm going to ask you a few questions about that.  
6 Okay? A lot of the questions are just going to be like,  
7 what happened next, so let's start with, you were  
8 asleep, presumably, the night of the 15th, and then you  
9 woke up at some point on the 16th, right?

10 A Yes.

11 Q And where were you when you woke up?

12 A I had fallen asleep in the living room on -- we  
13 have a big chair in the living room. I had fallen  
14 asleep on that, because I didn't get back until early in  
15 the morning the night before, and I remember waking up  
16 to my mom -- actually, she was kind of coming in and out  
17 of the back door, which is right next to the chair I was  
18 sleeping on. And just from her walking in and out, and  
19 the door opening and closing, I remember, you know, I  
20 woke up, and I remember waking up and seeing her walking  
21 out to the back fence where there were a few police  
22 officers, and I heard them greeting, you know.

23 Q Were you able to see the officers from inside the  
24 house?

25 A Yes.



1 Q And do you recall how many officers you saw at that  
2 time?

3 A Initially, I saw three, I think. I think two were  
4 uniformed and one was wearing a gray Polo.

5 Q And what did you do next?

6 A When I woke up, I saw the dog -- or the police  
7 officer coming up, I immediately jumped up to grab my  
8 dogs, because they were barking and going wild. So I  
9 grabbed them to go put them in the back bedroom, to keep  
10 them from running out or, you know, anything like that.  
11 And when I did that, my mom had already come in and, you  
12 know, gotten Collin and Rachel from her bedroom -- from  
13 my sister's bedroom, and when I walking to the back of  
14 the house to put the dogs up, they were coming down the  
15 hall. My mom had already walked back out to, you know,  
16 wait with the police and I passed Collin and my sister  
17 mid-hallway as I was going back to put the dogs up and  
18 they were going out to meet the police.

19 Q At that time, to the best of your recollection, did  
20 you recall anything unusual about Collin at that time?

21 A No.

22 Q What did you do next?

23 A After I put the dogs up, I walked back out and went  
24 through the back door, because that's where everyone  
25 was, and so I went ahead and just walked out there to

1 see what was going on. And by the time I got out the  
2 back door, they were already putting Collin down to the  
3 ground and, I believe, three officers were on his back:  
4 one was up towards his head, like had his knee into his  
5 back of his shoulders, with a gun in the back of his  
6 lower head, and then another officer was down like on  
7 his legs, with his gun at his lower back, and I think  
8 there was another third officer holding his legs down,  
9 just to pin him to the ground. And so when I walked  
10 out, they had already had him put down to the ground  
11 then.

12 Q So is it your recollection then that -- or is it  
13 fair to say you didn't see the takedown, as it were?

14 A No, I didn't.

15 Q And so what were -- well, strike that.

16 When you walked out -- you broke the threshold of  
17 your door, and was this going on to your left, right, or  
18 in front of you, or somewhere else?

19 A When I walked out in my back yard, they were  
20 directly in front of me, and I walked around to my left,  
21 on the patio, so that would have put them to my right.  
22 But then as I turned, they were -- it was straight in  
23 front of me. So I was off to the side, I guess, of  
24 Collin laying on the ground.

25 Q Did you -- when you walked out, did the officer

1 that you just testified about already have the gun drawn  
2 at Collin's head?

3 A Yes, when I walked out, they already had their guns  
4 drawn on the back of his head and his back.

5 Q Did you see more than one gun out?

6 A I saw two officers' guns, one on the back of his --  
7 you know, the base of his head, and the other one in his  
8 lower back.

9 Q And you stepped to your left; is that true?

10 A Yes.

11 Q And how far did you go before you stopped?

12 A Probably, I was -- from Collin and the three  
13 officers on him, I was probably about four or five feet  
14 away.

15 Q And where were your mother and your sister at that  
16 time?

17 A They were standing on the back stoop right back the  
18 back door, so they were probably a foot-and-a-half away  
19 from Collin's head.

20 Q So when you walked out of your back door, your mom  
21 and your sister were to your right?

22 A That's -- they were right in front of me as I  
23 walked through the door, so I actually stepped around  
24 them and went out to the side.

25 Q They were in very close proximity to this group of

1 men on top of Collin; is that true?

2 A Yes. No more than two feet or so.

3 Q Once you got to the distance that you got and you  
4 were looking at things going on, presumably, what  
5 happened next?

6 A They were just kind of -- I don't want to stay  
7 wrestling, but there was kind of motion almost like his  
8 knee kept sliding down on his back, and it seemed maybe  
9 ten seconds later I hear a pop and then another two or  
10 three pops from the guns.

11 Q When you say "his knee", are you referring to an  
12 officer?

13 A Yes, the officer that was -- the one that had his  
14 gun pointed towards his head.

15 Q And did you hear Collin say anything at any time?

16 A No.

17 Q Did you hear these officers say anything at any  
18 time prior to hearing these pops?

19 A I don't remember, no.

20 Q Did you recognize the pops to be gunshots?

21 A Yes.

22 Q Do you recall -- or do you know how many gunshots,  
23 approximately, you heard?

24 A At least three, maybe four.

25 Q Was that shocking to you?

1 A Very.

2 Q What happened after you heard these gunshots?

3 A There was a lot of screaming. My sister was  
4 screaming, you know, at the top of her lungs. My mom, I  
5 think, was saying, stop, what are y'all doing, something  
6 along those lines. I believe I yelled out, stop, you  
7 know. And after the pops, there was an officer that  
8 immediately came around -- I don't think he was one of  
9 the ones down on the ground with them. I think there  
10 was a fourth officer, that he came around and actually  
11 kind of collected my mom and sister and started to walk  
12 them out the gate -- the back gate, down our driveway  
13 and towards the front.

14 Q How soon would you say -- how much time would you  
15 say passed between those pops and this officer coming  
16 and starting to escort your mother and your sister?

17 A Immediately. And he also -- he gathered them and  
18 he actually just walked them towards the gate and kind  
19 of stopped and let -- like let them there and came back  
20 and actually put me in handcuffs and then proceeded to  
21 walk me down.

22 Q You had been sleeping like five minutes earlier?

23 A Yes.

24 Q Fast asleep?

25 A Right.

1 Q Were you separated from your mother and your  
2 sister?

3 A Afterwards, yes.

4 Q After the shooting?

5 A Yes.

6 Q And when were handcuffs put on you?

7 A Within 30 seconds to -- yeah, within 30 seconds of  
8 the gunshots on Collin. He -- as soon as the gunshots  
9 went off, an officer came around, gathered my mom and  
10 sister and walked them to the gate and stopped them  
11 there and had them stand there, and then he came back  
12 and he had me -- he told me to turn around and put my  
13 hands back, so that's what I did, and he cuffed me and  
14 then walked me down to the car. So within 30 seconds  
15 of --

16 Q Was this a white officer?

17 A I think so, yes.

18 Q Did he have dark hair?

19 A I think so, yes.

20 Q Do you know his name?

21 A I don't.

22 Q Why did he -- if you know, why did he put you in  
23 handcuffs?

24 A I honestly don't know.

25 Q You were put into a squad car?

1 A Yes.

2 Q Were you still wearing your handcuffs when you were  
3 put in the squad car?

4 A Yes. They didn't take me out of the handcuffs  
5 until they brought me to the station or wherever it was  
6 that they brought me to do the interview.

7 Q And so you then went to the LRPD and you gave a  
8 statement at some point that day; is that correct?

9 A Yes.

10 Q I'm going to play for you what we have now marked  
11 as Exhibit Number 8 from the deposition of Christina  
12 Hatfield, which is an audio tape -- it's actually a  
13 videotape -- video recordings of the dashboard cams.  
14 I'm going to play a portion of these for you and I'm  
15 going to ask you some questions about it. Okay?

16 A Okay.

17 Q And the first one is Michael Lundy's MVR Number 1,  
18 and I'm starting this at 10:45:30 and I'm playing it to  
19 the end, so we'll be listening to this for about five  
20 minutes -- for about four minutes.

21 Before we begin, Paul, we're looking at a still  
22 frame that reads 10:45:13 a.m. Is that time consistent  
23 with the time frame that you recall this happening?

24 A Yes.

25 Q Do you recognize what's being shown on this frame,

1 in terms of the area?

2 A Yes, that's our street that we live on.

3 Q And that's Gillette Drive, right?

4 A Right.

5 Q I'm going to play this now and let it roll.

6 (VIDEO PLAYING)

7 Q (By Mr. Laux) Now, at 10:46:02, there's a person  
8 there with two officers. Do you know who that person  
9 is?

10 A That's my sister, Rachel.

11 Q Have you recognized your voice on this recording  
12 yet?

13 A Yes.

14 Q Was that you who said something to the effect of,  
15 "I just want to know what the fuck. Y'all just killed  
16 someone in my house"?

17 A Yes.

18 Q And then in response, if I'm correct, I heard  
19 something like, "He came at us with a gun." Did you  
20 hear that?

21 A I didn't hear that part.

22 Q Let me just ask you, did you ever see Collin  
23 Spradling come at the officers with a gun?

24 A Absolutely not.

25 Q I'm going to continue playing.



1 (VIDEO PLAYING)

2 Q (By Mr. Laux) Do you hear a lot of static and kind  
3 of weird audio stuff there?

4 A Yes.

5 Q Do you know what that is?

6 A No.

7 Q Do you have any idea why that seems to be kind of  
8 in and out?

9 A No, I don't.

10 (VIDEO PLAYING)

11 Q (By Mr. Laux) At 10:46:48, who is that?

12 A That's my mother, Christina.

13 Q And I'm going to pause it here at 10:47:37. Do you  
14 recognize who that is in the red shorts?

15 A That's me.

16 Q And had you heard -- did you hear yourself saying  
17 something about a gun, prior to this image?

18 A Yes.

19 Q I want to ask you a couple of questions real quick.  
20 First of all, are you handcuffed at this point in  
21 the video?

22 A Yes.

23 Q And that's why your hands are behind your back?

24 A Yes.

25 Q And you said something about Collin having a gun --

1 A Yes.

2 Q -- is that true? I mean, is what -- is it true  
3 that you said something about Collin having a gun in  
4 this video?

5 A Yes.

6 Q Can you tell me what you meant when you said that?

7 A When we were walking down, the conversation was  
8 that he was -- you know, he had a gun and this, you  
9 know, and so that's why they had shot him. And so the  
10 part where I say, I know he had a gun, I know he had a  
11 gun is, did I know he had a gun the night before, yes,  
12 so did he have one in his possession, absolutely. As  
13 far as that day when it actually happened, I -- no, I  
14 don't know that he had a gun.

15 Q Were there parts of this conversation that you had  
16 with that officer that are not captured on this video?

17 A Yes.

18 Q Had you made it clear to somebody, prior to this  
19 point, your belief that Collin had a gun the night prior  
20 and you didn't know about that day?

21 MR. CARPENTER: Objection to the form of  
22 the question. You may answer.

23 A No, I did not.

24 Q (By Mr. Laux) And it might have been a bad  
25 question, so I'll withdraw it, but let me just ask you

1 this. Did officers ask you -- well, strike that.

2 I think around 10:47:25 I heard you mention  
3 something about Collin's arms. Did you hear something  
4 like that?

5 A Yes.

6 Q And I think you said that his arms were behind his  
7 back; is that right?

8 A Right.

9 Q When you saw Collin on the ground there, did you  
10 have an opportunity to see his arms at any point?

11 A Yes. Both of his arms were pinned behind his back.  
12 One of the officers had -- I don't -- I think he was  
13 using one of his hands to -- and had Collin's wrists  
14 pinned together, and I guess -- I think his other hand  
15 had his gun in his lower back. I believe it was the  
16 officer that was -- had the gun in his lower back that  
17 had his hands, pinning Collin's wrists together.

18 Q The one who was up closer to his head?

19 A No. The one that was up closer to his head just  
20 had -- was holding him down with his left arm and had  
21 his gun in his right hand to the base of Collin's head,  
22 and then there was another officer lower down that had  
23 Collin's wrists pinned together with one of his hands  
24 and his other hand had a gun at his lower back.

25 Q Is it your belief that, if the audio of your entire

1 conversation at this time was able to be heard on this  
2 recording, that it would be clear that you were  
3 referring to Collin having a gun on July 15?

4 MR. CARPENTER: Objection to the form of  
5 the question.

6 A Yes.

7 Q (By Mr. Laux) Did you feel at all like officers  
8 with whom you spoke were trying to blur the line between  
9 when Collin had the gun between the 15th and the 16th?

10 A Yes.

11 MR. CARPENTER: Objection to the form of  
12 the question.

13 Q (By Mr. Laux) Did you see a gun in Collin's  
14 possession at any time on July 16, 2008?

15 A No.

16 Q Did you see any gun on the ground near Collin's  
17 body at any time on that day?

18 A Yes.

19 Q Where did you see that?

20 A Laying next to his legs while the officer was knelt  
21 over him, and I think it was one of the officer's guns.  
22 It was a larger semi-automatic pistol.

23 Q Let me re-ask the question, and this is actually  
24 the way I have it written here. Other than guns held by  
25 officers, or attributable to officers, did you see any

1 guns around Collin when he was shot?

2 A No.

3 Q Did you ever see an officer remove a gun from  
4 Collin's possession that day?

5 A No.

6 Q Did you ever see an officer remove a gun from  
7 somewhere near Collin's body?

8 A No.

9 Q Did you see any officer place a gun on any ledge in  
10 your back yard?

11 A No.

12 Q Prior to Collin being shot, did you hear any  
13 officer say, "Gun! Gun! Gun!"?

14 A No.

15 Q Did you hear any officer say, "Are you sure there's  
16 a gun," or, "Are you sure?"

17 A No.

18 Q Did you hear any officer say in response, "Yes, I'm  
19 sure"?

20 A No.

21 Q Did the situation -- well, strike that.

22 (VIDEO PLAYING)

23 Q (By Mr. Laux) Now, he just said, we had someone  
24 coming at us with a gun. Did you hear that?

25 A I didn't hear that part, no.

1 Q Let me play it again for you and make sure that  
2 we're on the same page, and make sure I'm not hearing  
3 things. Try to listen and hear --

4 A I'm sorry, yeah.

5 Q Oh, that's okay.

6 (VIDEO PLAYING)

7 Q (By Mr. Laux) Sorry. He said, we got someone  
8 fighting with us with a gun, right?

9 A Right.

10 Q Did you see Collin fighting with them with a gun?

11 A No.

12 Q Were you close enough to this group of men on the  
13 ground where you think you would have seen if Collin  
14 had, had a gun?

15 A Yes.

16 (VIDEO PLAYING)

17 Q (By Mr. Laux) And then that played through to the  
18 end.

19 How would you describe your feelings upon  
20 witnessing what you saw that morning at your house?

21 A Shocked. Just couldn't believe what had just  
22 happened.

23 Q I got one more thing to play here. I'm getting  
24 close to wrapping up.

25 So this is a third MVR video, and I'm going to

1 start this at 11:01 and I'm going to play it through,  
2 and it's going to be about 3 minutes and 20 seconds.  
3 I'm just going to ask you to listen to it and I have a  
4 couple of questions. Okay, Paul?

5 A Okay.

6 (VIDEO PLAYING)

7 Q (By Mr. Laux) That officer who just walked, do you  
8 recognize that particular officer?

9 A I think that was the officer that took me down the  
10 driveway.

11 Q And that's the officer who was in the frame at  
12 approximately 11:04:10 --

13 A Right.

14 Q -- or so. His back was to us at that time. That's  
15 the end of it. Did you recognize your voice on that  
16 portion of tape --

17 A A little bit --

18 Q -- any portion?

19 A -- toward the beginning, yes.

20 Q And that officer -- an officer indicated to you  
21 that they were there serving warrants; is that right?

22 A Right.

23 Q Did you ever see any warrants that they had?

24 A No.

25 Q At some point, you asked if you could go stand by

1 your mother, correct?

2 A Correct.

3 Q Could you tell that she was upset?

4 A Right. Yes.

5 Q And what was the purpose of wanting to stand by  
6 her?

7 A Basically, just to see if she was okay, you know,  
8 trying, I guess, to piece things together, calm each  
9 other down.

10 Q Were you concerned about your mother at that time?

11 A Yes.

12 Q Were you concerned about your sister?

13 A Yes.

14 Q That officer -- or some officer said, in explaining  
15 why you guys were separated, he said that you saw  
16 something different than your mother did. Did you hear  
17 that?

18 A Yes.

19 Q Do you know how it is that he knows what you saw  
20 versus what your mother saw?

21 A No.

22 Q Do you think you and your mother saw different  
23 things?

24 A No.

25 Q He talks about the virtues of separating witnesses,



1 right?

2 A Right.

3 Q Did you see any officers who were involved  
4 separated at any time?

5 A No.

6 Q He describes this as a traumatic situation. Would  
7 you agree that it was a traumatic situation?

8 A Yes.

9 Q How long would you say that you were in that car  
10 before you went to the LRPD to give your question -- to  
11 answer your questions?

12 A From the time he sat me in the car until time that  
13 we actually took off to go to the LRPD, four or five  
14 minutes, maybe.

15 Q Were you barefoot?

16 A Yes.

17 Q Did you go to the police department barefoot?

18 A Yes.

19 Q How did that make you feel?

20 A Very uncomfortable. Just -- I don't know. It just  
21 -- I wasn't very --

22 Q Was it empowering to you?

23 A Absolutely not.

24 Q Was it the opposite?

25 A Yes.

1 Q Did it add to the stress that you were dealing with  
2 at that time, or can you say yes or no on that?

3 A Yes, it was.

4 Q Now, when you gave your statement that day, did any  
5 of the investigators say, "Hey, we listened to some tape  
6 and we think you said that he had a gun on him. What  
7 did you mean by that?" Did anybody ask you to clarify  
8 that statement?

9 A No.

10 Q Did any officers ask you about your statement that  
11 Collin's arms were behind his back when they shot him?

12 A No.

13 Q Did the questioning that you underwent, if you keep  
14 in mind that -- strike that.

15 Did it seem to be fair and balanced to you?

16 A No.

17 Q In your words -- 'strike that.

18 Do you have an opinion of the investigator who  
19 questioned you, or the types of questions that he asked?

20 A It seemed like I would try to give an answer and,  
21 given that this had all just happened maybe a half hour  
22 beforehand, if even that, it seemed like I just wasn't  
23 really given time to process and try to get my words  
24 out. It was just -- as soon as I would kind of say um  
25 or just, you know, pause and think for half a second, it

1 was like he was on to the next question, or would fill  
2 in a word for me, or something along those lines.

3 Q Did he seem interested in the getting to the truth  
4 of the matter?

5 A No.

6 MR. CARPENTER: Objection as to form.

7 Q (By Mr. Laux) Did he seem interested in justifying  
8 the shooting?

9 A No.

10 Q He did not seem interested in justifying the  
11 shooting?

12 A Yes. Yes, he did. I'm sorry.

13 Q After you gave your question -- strike that.

14 After you gave your statement at the police  
15 department, did you go home?

16 A Yes.

17 Q And how did you get there?

18 A I believe -- honestly, I'm not sure. I think we  
19 were -- were we picked up?

20 Q I'm not sure. I'm just asking.

21 A May I ask her?

22 Q No, that's all right. If you know, you know; if  
23 you don't, you don't.

24 A I think -- yeah, I can't remember exactly.

25 Q After you got home, did the, at any time -- strike

1 that.

2 After your statement, at any time did the LRPD  
3 contact you and ask you any follow-up questions?

4 A No.

5 Q At any time, did they contact you and say, "We're a  
6 little confused over here. We'd like some clarity on  
7 some things"?

8 A No.

9 Q Did you ever hear about the LRPD -- did you ever  
10 hear from the LRPD about the shooting ever again?

11 A No.

12 Q In light of the circumstances and what you were  
13 going through that day, did you do the best that you  
14 could to recall the events that you observed, as best  
15 you can?

16 A Yes.

17 Q Do you know who transcribed your statement?

18 A No.

19 Q You've looked over it, but can you verify its  
20 accuracy and completeness?

21 A For the most part, it is. There are a few parts  
22 where it says inaudible, or something, where I could  
23 tell what it was that I said. I think it was clear what  
24 I had said.

25 Q Do you know what a leading question is?

1 A Yes, I do.

2 Q What is your kind of lay person definition of a  
3 leading question?

4 A A question that almost kind of -- it draws a  
5 certain answer out of you that they're looking for, or  
6 something like that.

7 Q Accepting -- and you and I share the same  
8 definition. Accepting that definition to be the case  
9 for you, as you phrased it, do you feel like you were  
10 asked leading questions during your statement?

11 A Yes.

12 Q And were those statements, in your opinion,  
13 intended to reach a certain result?

14 MR. CARPENTER: Objection to the form of  
15 the question.

16 A Yes.

17 Q (By Mr. Laux) And what result do you think that  
18 was?

19 A I think to justify what the police officers had  
20 just done that day.

21 Q Has this been traumatic for you?

22 A Yes.

23 Q Had you ever seen anything like that before?

24 A No.

25 Q And never since, I trust?

1 A No.

2 Q Have you ever spoken with Collin's father, Mike  
3 Spradling, before?

4 A Before? No.

5 Q I mean, had you ever spoken with him prior to the  
6 shooting?

7 A No.

8 Q Have you ever spoken with him since?

9 A Yes.

10 Q Did you speak with him about the shooting?

11 A No.

12 Q Would it be fair to say that it would be maybe  
13 small talk at a holiday party or something like that?

14 A Yes.

15 Q The statements that you gave during -- strike that.  
16 The transcript as you reviewed it, for the most  
17 part, reflects, accurately, for the most part, what you  
18 saw that day?

19 A Yes.

20 MR. LAUX: Mr. Carpenter might have some  
21 questions of you, but I am finished for now  
22 asking questions. Thank you very much.

23 THE WITNESS: Thank you.

24 EXAMINATION

25 BY MR. CARPENTER:

1 Q I'm Tom Carpenter, I'm the City attorney, and this  
2 LaTonya Austin, and she is one of my deputies, and we  
3 represent the City and the officers in this matter. Did  
4 you ever hear, prior to the shooting, someone say, "He's  
5 reaching for his pocket"?

6 A I never heard, "He's reaching for his pocket." It  
7 seems like maybe something was said about his pocket,  
8 but as far as the actual sentence, "He's reaching for  
9 his pocket," I don't recall that, no.

10 Q You don't recall that?

11 A No.

12 MR. CARPENTER: That's all.

13 May I ask just a couple of more question?

14 MR. LAUX: Sure.

15 Q (By Mr. Carpenter) Would you say this was a tense  
16 situation on the morning of the 16th of July when you  
17 were in your back yard and the shooting occurred?

18 a Yes.

19 MR. LAUX: I'm just going to object to the  
20 form of the question.

21 Q (By Mr. Carpenter) I didn't hear your answer.

22 A Yes.

23 Q And did it all seem to be pretty rapidly occurring?

24 A Yes, very.

25 MR. CARPENTER: That's all.

1 MR. LAUX: Well, I'm going to have to ask  
2 just a couple of questions based on that.

3 FURTHER EXAMINATION

4 BY MR. LAUX:

5 Q Let's break that down a bit. What was tense --  
6 because these are very special words. What was tense  
7 about that situation, if you could elaborate?

8 A Walking out and seeing Collin, someone who I had  
9 known for a couple of months at that point, on the  
10 ground with a couple of pistols in the back of his head  
11 seemed very tense.

12 Q And I think the word was rapid or rapidly  
13 something, what did you -- when you agreed to Mr.  
14 Carpenter -- when you answered Mr. Carpenter's question,  
15 what did you mean by that?

16 A The fact that this whole incident happened within,  
17 it seemed, under a minute --

18 Q Did you see any --

19 A -- from me walking out to him being shot.

20 Q Did you see any rapid movements out of Collin?

21 A Out of Collin, no.

22 Q Did you see any tense maneuvers or any behavior  
23 that would cause tenseness committed by Collin?

24 A No.

25 MR. LAUX: That's all I have.



1 MR. CARPENTER: No questions.

2 MR. LAUX: So Paul, you have the  
3 opportunity now to look at your deposition  
4 before it becomes part of the official record,  
5 and you can change parts of it, but only  
6 relating to grammar and syntax and the  
7 spelling. Our court reporter is a great court  
8 reporter, but some people like to review the  
9 transcript for accuracy before it becomes  
10 official. I'm not your attorney. I would  
11 suggest you probably have a look at it, but  
12 it's up to you. You can choose to look or you  
13 can waive.

14 THE WITNESS: I think there was one  
15 specific when you asked me if there was a date  
16 that stood out, I think I thought you had said  
17 January 16th.

18 MR. LAUX: Oh, is that true? Well, that  
19 would be --

20 THE WITNESS: July 16th definitely stands  
21 out as a date that I remember. I thought you  
22 had said January, so I just -- that's when I  
23 said no to that, but other than that, I think  
24 it --

25 MR. CARPENTER: We can correct that on the

1 record and just take care of that.

2 MR. LAUX: Yeah, we might as well, I mean,  
3 if we can.

4 MR. LAUX: Mr. Hatfield has just brought  
5 something to my attention which I appreciate.  
6 Apparently, I misspoke earlier in the  
7 deposition in asking him about a date. Rather  
8 than July, I said January, and Mr. Hatfield  
9 brought that to my attention.

10 Let me re-ask the question, just for  
11 completeness.

12 Q (By Mr. Laux) July 16, 2008, is that a significant  
13 date for you?

14 A Yes.

15 Q Have we already talked about why that is?

16 A Yes.

17 MR. LAUX: Thank you very much.

18 (WHEREUPON, the deposition was concluded at  
19 4:27 p.m.)

20 (WITNESS EXCUSED)

21 \* \* \* \* \*

22

23

24

25



on Wednesday morning. Police say detectives shot and killed William C. Spradling, 25, a burglary suspect who police said pulled a gun on the officers.

# Sherwood man dies in LR police gunfire

## 25-year-old sought for questioning in burglary pointed a gun, officer reports

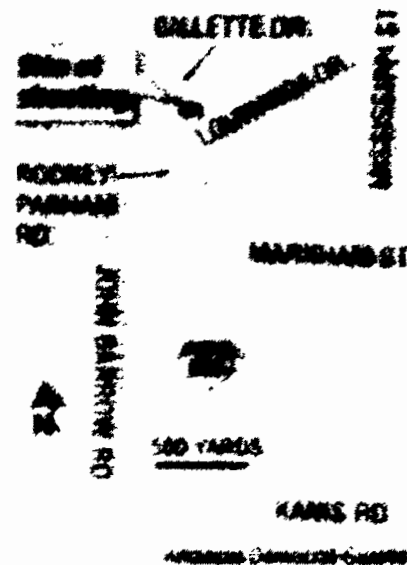
BY ANDY BOYLE

ARKANSAS DEMOCRATIC-GAZETTE

A 25-year-old Sherwood man was shot and killed Wednesday morning by Little Rock police detectives who were attempting to question him about a recent burglary.

William C. Spradling was at his girlfriend's home at 623 Gillette Drive when police arrived at the home at 10:45 a.m. Little Rock Police Lt. Terry Hastings said detectives wanted to speak with Spradling about a burglary in west Little Rock on Monday.

Three burglary detectives approached the rear of the house and told Spradling that they wanted to talk to him. Hastings said Spradling reached into his left pocket, pulled out a gun



and pointed it at the officers, who then fired, according to reports.

Hastings said the three detectives fired a total of four shots.

He did not release the names of the detectives.

"They were standing in close proximity when he came out with a weapon," Hastings said.

Initially, Hastings said, Spradling managed to fire one shot at the officers after a brief "fight." Later, he told an Arkansas Democrat-Gazette reporter that no evidence had been found that the man's weapon had been fired. Hastings also said he didn't know what type of firearm it was, except that it was a small-caliber handgun.

The three detectives involved in the shooting were put on administrative leave. Before they can return to duty, they will have to undergo counseling, Hastings said.

The Police Department's internal affairs and homicide squad is investigating the shooting, which is standard procedure, he said.

The Gillette Drive house is registered to Christina E. Hatfield. Neighbors said the man shot was the boyfriend of Hatfield's daughter, Rachel Hatfield, who was taken from the scene in a police car. Neighbors also said they saw police take Hatfield's son, Paul Hatfield, out of the house and put him in a police car. Hastings said Wednesday night that neither had been charged.

No one answered the door at the residence Wednesday evening, and a later phone call was not returned.

See **SHOOTING**, Page D8



pharmaceutical Center had

Police officers training

A boat pulls a tube in its wake along Greers Ferry Lake near Hobbs Springs on Tuesday afternoon.

## Shooting

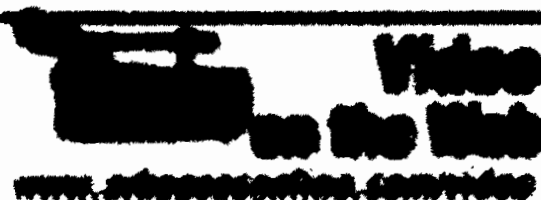
• Continued from Page 1B

Richard Anderson, who lives about a block from the house, said he was washing his windows around the time the detectives showed up and he heard a scream.

"They don't scream like that around here," he said, noting that it was a quiet neighborhood.

Anderson said he remembered hearing someone shouting about "my boyfriend."

On the street after the shooting, neighbors and onlookers stood in the shade of trees that lined the Leawood subdivision street. They stood in groups, discussing how police rarely have to respond to calls there.



"This is more activity than we're used to," said Debra Schneider, who lives a few houses up the street and moved into the neighborhood around the same time as Hatfield.

Schneider said she's a good friend of Hatfield's, describing her as part of a neighborhood that's "very caring and willing to help everyone."

She added, "We're almost like family."

Spradling's criminal record stretches back to at least June 2003, when he was charged with violating a protection or-

der, criminal mischief and two counts of domestic battery.

Three months later, Spradling was again charged with violating the protection order.

Spradling was arrested in September 2007 on two counts of possession of drugs and furnishing alcohol to a minor. His most recent conviction was in May for theft of property. He pleaded guilty and was put on probation.

The shooting is the second by Little Rock police this year. The first was on April 12 in the 1000 block of South Wendover Street after police say Ernest Morley III, 33, pointed a gun at officers who had responded to a call that Morley had fired several shots at a neighbor's house. Morley died at the scene.

## Crash

• Continued from Page 1B

in the 1970s, said he's certain the

crash scene at night and helping the team get in and out of the remote area.

Arthur, the helicopter pilot, was the right-of-way inspector

Roctor and Fulton counties served by Salem-based North Arkansas Electric Cooperative. A smaller number of Ratergy customers in Mountain Home were also af-

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# LR police reveal 3 who shot at suspect

Fatal shooting 1st  
for each detective

BY ANDY ROYLE  
BRANFORD HERALD GAZETTE

Little Rock police have released the names of the three detectives involved in the Wednesday shooting death of a 25-year-old Sherwood man they were questioning about a burglary.

Police say William C. Spaulding was shot and killed Wednesday morning while he pointed a handgun at the detectives. All three detectives fired in response.

A police report released Thursday identified the detectives as Sgt. Steve Windahl, the burglary unit supervisor who is an 18-year veteran; detective Clay Hastings, a 13-year veteran; and detective

Michael Ford, a five-year veteran. Three other officers were at the scene, but none of them used a weapon.

The report states that at 10:46 a.m. Wednesday the detectives went to question Spaulding at a house at 625 Gilman Drive, which is owned by his girlfriend's mother. Spaulding was a suspect in the Monday burglary and theft of a Smith & Wesson 9mm handgun in the Woodland Heights neighborhood.

When the detectives attempted to take Spaulding into custody, the report states, he pulled out a semi-automatic handgun and attempted to shoot officers. The handgun Spaulding brandished was the one he was suspected of stealing in the Monday burglary.

See BRANFORD GAZETTE

# Shooting

Continued from Page 18

The three detectives fired their weapons and hit Spradling multiple times, the report states. Spradling died at the scene.

Paul fired twice, and Wond all and Hastings each fired one shot, said Little Rock Lt. Terry Hastings. The three detectives have not been mentioned in previous police statements, Hastings said.

Police said Wednesday morning that Spradling had fired one shot at officers before they returned fire, but Hastings later corrected that by saying there was no evidence that Spradling had fired his weapon.

Police also said the detectives sustained small cuts and abrasions on their hands from a brief fight with Spradling before he pointed the gun at them.

Spradling was shot in the backyard of a home owned by Christina Hatfield. A woman at her office at Stephens Inc. said Thursday that Hatfield is on vacation for the rest of the week. No one answered the door of the house Thursday, and multiple phone messages weren't returned.

After the shooting Wednesday, Hatfield and her son, Paul Hatfield, and daughter, Rachael Hatfield, who was Spradling's girlfriend, were all questioned by police.

Paul Hatfield was reached by telephone Thursday, but he declined to comment.

"I'm not interested," he said. "I can't comment at this time."

The burglary that police questioned Spradling about occurred at 2 Plummer Forest Court at 7 p.m. Monday, according to a police report. In the report, Spradling was identified by the homeowner as the person who broke into the home, and a woman named Rachael was named as the driver of the getaway vehicle.

# LITTLE ROCK POLICE DEPARTMENT USE OF FORCE REPORT

In # 01-81343 Date July 16, 2008 Time 1046 Day Wednesday District # X763

Incident Address 621 Gillette, Little Rock AR

Suspect's Name William Cotton Spradling Race W Sex M DOB 12-27-82 Age 25

Suspect's Address 3104 Seminole Trail City Shannonwood State AR

Officer Det. Michael Ford Emp. # 22667 Assignment: ☐ Uniform ☒ Plain Clothes ☐ Other \_\_\_\_\_

Officer Det. C. Hastings Emp. # 18222 Assignment: ☐ Uniform ☒ Plain Clothes ☐ Other \_\_\_\_\_

## Reason for Contact

☐ Traffic Stop ☐ Field Report ☐ Call for Service ☒ Other \_\_\_\_\_

burglary investigation

## Suspect's Action

☐ Aggressive Stance ☐ Fleeing ☒ Other Explain: \_\_\_\_\_  
☐ Refusal To Submit ☐ Assault (Officer) armed w/ handgun  
☒ Resisting ☒ Fighting

## Type Of Force Used For Control Of Suspect

☐ O/C Spray Length of Burst \_\_\_\_\_ # of Bursts \_\_\_\_\_  
☐ Empty Hand Control Type of Pressure Point Control \_\_\_\_\_  
☐ Hard Empty Hand Control ☐ Kicks ☐ Strikes ☐ K-9 Bite  
☐ Intermediate Weapons ☐ Baton ☐ Taser ☐ Neck Restraint  
☒ Deadly Force Weapon Used city issued weapons

**EXHIBIT**

**L**

Was the method used by officer effective in gaining control of suspect? ☒ Yes ☐ No

Injury to Suspect ☒ Yes ☐ No Type of Injury gunshot wounds Location of Treatment none / wounds fatal

Injury to Officer ☒ Yes ☐ No Type of Injury winch straps to hand of Det. Clason Simon Location of Treatment \_\_\_\_\_

Narrative While attempting to interview suspect at listed location, the suspect attempted to shoot detectives who returned fire, killing the suspect at the scene.

Immediate Supervisor Det. D. J. [Signature] Evaluation This incident is still under investigation at the time of this report.

543



WED

## OFFICER'S REPORT

DATE: 7-16-08 SUBJECT: Officer Involved Shooting, Inc #08-81343  
 TO: Sgt. Woodall  
 FROM: Det. A. Simon #25296 (D-804)



Sir,

On today's date at approx. 1030 hrs the following officers and I went to 621 Gillette Drive to make contact with two burglary suspects: Sgt. Woodall, Det. Hastings, Det. Ford, Det. Gasaway, off. Bonds, and off. Lundy. The suspects, William Collin Spradling (W/M, 12-27-82) and Rachel Hatfield (W/F, 7-14-85), were identified by the victim of a burglary at #2 Pleasant Forest Cove, Sherri Harris (W/F, 7-29-55). Mrs. Harris knew Mr. Spradling because he used to date her daughter. When she came home she saw Mr. Spradling inside her home. She also recognized a white 2002 Honda Civic that was parked outside of her residence. Mrs. Harris said that this vehicle belonged to Mr. Spradling's girlfriend, Rachel. She also said that Mr. Spradling had an object in his hand when he left her residence. She believed that the object was a Smith & Wesson 9mm Pistol that was missing from her residence. See Inc #08-80536.

Prior to the burglary at #2 Pleasant Forest Cv, Mrs. Harris had a missed call on her caller ID. She traced the call back to 621 Gillette. She called me on today's date and said that Rachel's vehicle, 2002 white Honda Civic, was parked at the rear of this residence. I drove by the residence at approx. 1900 hrs and observed the Honda Civic parked in the rear

SIGNATURE: \_\_\_\_\_

pg. 1 of 3

NOTE: Use this form for all written reports to your Supervisor. Use additional paper of the same size if needed.

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WED  
OFFICER'S REPORT

DATE: 7-16-08

SUBJECT: Officer Involved Shooting, Inc #08.81343

TO: Sgt. Woodall

FROM: Det. A. Simon #25296 (D-804)

of the residence, I also observed a blue 1995 Chevy Sub. (LPN # 638 MTs) parked in front of the residence. I ran the LPN and it returned to William Collin Spradling. I notified Sgt. Woodall and requested for two marked units to assist me.

When we arrived at the residence, I observed a white female, later identified as Christina Hatfield, standing in the driveway at the rear of the residence at 621 Gillette. I asked her if Rachel and Collin were home and she said "yes." I then asked her to have them come outside. Det. Gasaway and off. Bonds were standing at the front of the residence. Sgt. Woodall, Det. Ford, Det. Hastings, Off. Lundy, and I were at the rear of the residence.

Mrs. Hatfield entered her residence through the rear door and came back out with her daughter, Rachel. I asked her if Collin was coming out and she said, "He's coming out." When he came out he had his right hand partially in his pocket. He was told by someone to take his hand out of his pocket. I instructed him to come to me and he seemed reluctant to do so. I took his arm and told him to place his hands behind his back. He said, "What's this about?" I told him, "You know what this is about." As I was putting his hands behind his back to place handcuffs on him, he turned away from me.

A struggle ensued and we went down to the ground.

SIGNATURE: pg. 2 of 3

NOTE: Use this form for all written reports to your Supervisor. Use additional paper of the same size if needed.

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## OFFICER'S REPORT

WED  
 DATE: 7-16-08 SUBJECT: Officer Involved Shooting, Inc # 08-8,343  
 TO: Sgt. Woodall  
 FROM: Det. A Simon #25296 (D-804)

Mr. Spradling would not take his hand out of his pocket. I put my hand on his right hand to prevent him from pulling the object out of his pocket. I could feel a hard metallic-like object in his right pocket that felt like the handle of a gun. While we were struggling on the ground Mr. Spradling was continuing to try to pull out the object in his pocket. At that point I yelled several times, "Gun, Gun, He's got a gun!" Det. Ford, Det. Hastings, Sgt. Woodall, and Off. Lundy were attempting to gain control of Mr. Spradling while he and I were involved in the ground struggle. I heard the other detectives/officers yelling at Mr. Spradling. Mrs. Hatfield and her daughter, Rachel, were also yelling. I again yelled, "He's got a gun!" I then heard 2-3 gunshots and Mr. Spradling stopped struggling and a small black handgun fell to the ground. I did not see who shot Mr. Spradling because he and I were on the ground struggling over the gun in his pocket. Mrs. Harris, Rachel Hatfield, and Mrs. Harris' son were transported to DTAO to be interviewed. Crime scene, Internal Affairs, MEMS, and Homicide were notified and responded.

SIGNATURE:

Respectively,

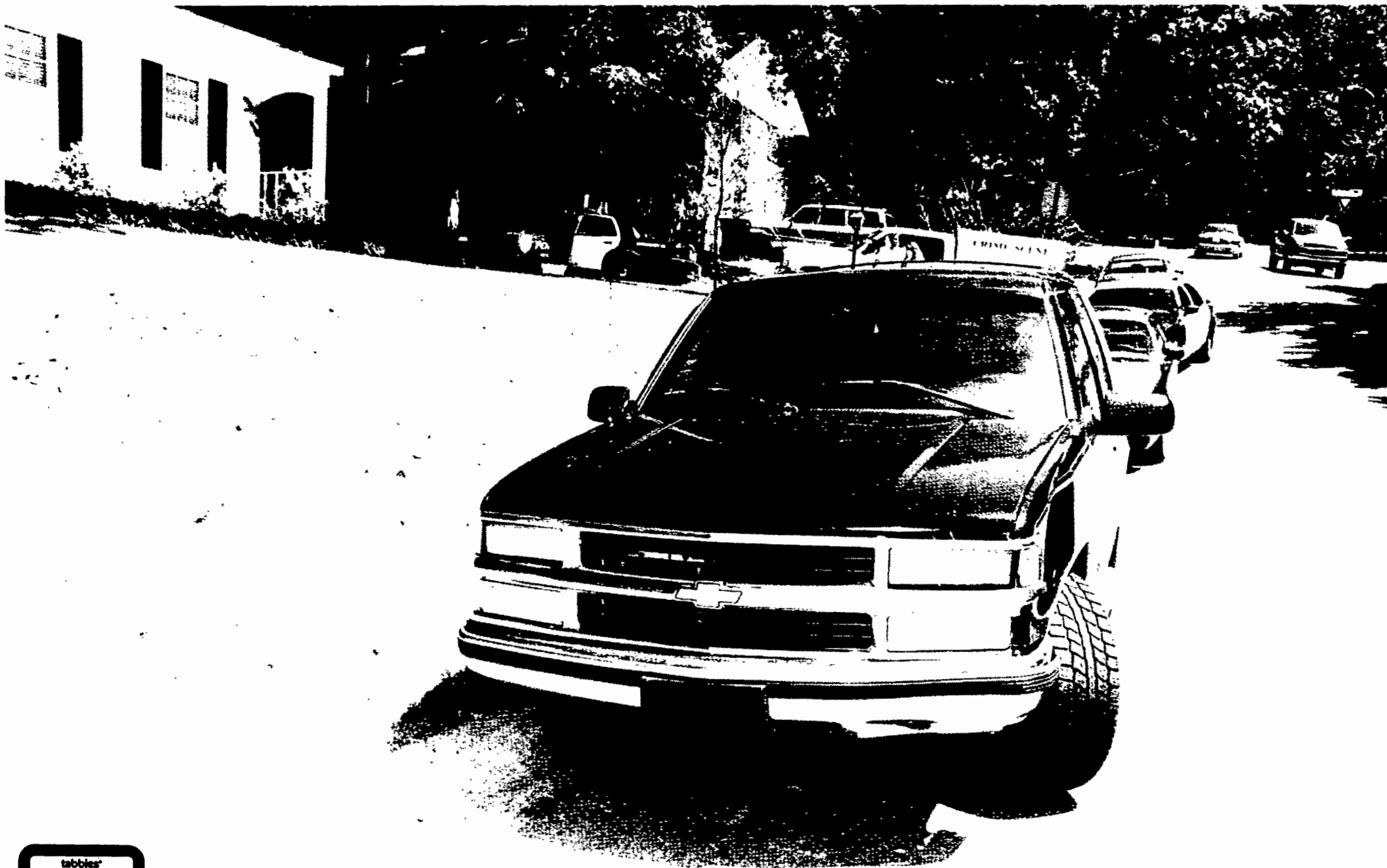
Dara Simon #25296

NOTE: Use this form for all written reports to your Supervisor. Use additional paper of the same size if needed.

65

pg. 3 of 3

LRPD Form 5600-02  
Rev 6/16/04



## Case Report

**INCIDENT NUMBER: 2008-81343**

**CASE NUMBERS:**

**CHARGE: Homicide**

**INVESTIGATOR: C.A. Ray #10394**

**VICTIM: William Collin Spradling**

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**LOCATION: 621 Gillette**

**DATE & TIME: 07-16-2008 1046 hours**

**SUSPECTS: Clay Hastings W/M 03-15-76  
Frederick Woodall W/M 03-20-65  
Michael Ford B/M 03-11-82**

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## SUMMARY

On July 14, 2008, at app. 1600 hours, Ms. Sherry Harris returned to her home at #2 Pleasant Forest Circle and found that her garage side door had been kicked in. When she entered the residence she located and confronted a W/M subject known to her as William Collin Spradling, a man who dated her daughter and has been harassing the family since the break-up eighteen months ago. Ms. Harris stated that Mr. Spradling attempted to leave out the front door but took a metal object and had to break out the glass storm door before fleeing the scene. Ms. Harris advised that she observed Mr. Spradling jump into the passenger side window of a white Honda that was being driven by a W/F.

Tommy and Lori Clemmons were driving through the area when they observed the W/M jump into the white Honda, that was being driven by a W/F, and attempted to follow the car, but lost it on Highway 10.



## SUMMARY (Cont.)

Ms. Sherry Harris notified the Little Rock Police Department, who dispatched officers and incident report number 2008-80536 was generated advising that a Smith and Wesson 9mm pistol serial number 19868643 was taken during the burglary. Ms. Harris said that she checked the caller I.D. on her home phone and found that she had received a call while she was out from a number that was unknown to her in the name of C.E. Maxwell. Ms. Harris checked the telephone book and located a C.E. Maxwell on Gillette Drive. Later, on the same day of the burglary, Ms. Harris drove down Gillette Drive and located the white Honda that the unknown female was driving during the burglary, at 621 Gillette Drive. The next day, Tuesday the 15<sup>th</sup>, Ms. Harris drove back by the residence and was able to obtain the license plate number off of the Honda. Later that day she met with Little Rock Police Burglary Detective Aaron Simon in reference to her case and informed him of the above information. Detective Simon ran the license plate and found that it listed to a Christina Rachel Hatfield.

On Wednesday, the 16<sup>th</sup>, Detective Simon drove to the residence of 621 Gillette and located the suspect white Honda parked there. Detective Simon called his squad members, as well as his supervisor, Sgt. Woodall, and requested they meet him on the parking lot of USA Drug at Markham and Rodney Parham to assist him in making contact with the occupants of the residence. Two uniformed patrol officers were also dispatched to this location to meet the detectives. Detectives, and uniformed officers, responded to 621 Gillette. As Detectives Aaron Simon, Clay Hastings, and Officer Lundy went to the rear of the residence, Detectives Michael Ford, Bryan Gasaway and Officer Bonds stayed in the front and side of the residence. Detective Hastings made contact with a W/F doing yard work in the back yard of the residence.

## SUMMARY (Cont.)

He identified himself as a Little Rock Police Officer. Detective Simon approached and informed the lady, identified as the homeowner Christina Hatfield, that they needed to speak with her daughter Rachael Hatfield and Mr. Spradling. Ms.

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Christina Hatfield told the detectives that both Rachel and Collin (William Collin Spradling) were inside of her house and she would go inside and get them. Ms. Hatfield then went into the residence, to her daughter's bedroom, and told her through the door, that the police were outside and wanted to speak with her and Collin. Rachel questioned her mother about what was it about and Christina Hatfield told her to come outside with her and they'd find out together. Ms. Christina Hatfield and her daughter Rachael walked out together and met with the officers without Collin, who was the last one to come out. Christina Hatfield told her son, Paul Hatfield, who was asleep on the couch in the living room, to put the dogs up, they were loose inside the house. As Collin came out of the house, he was met by Detective Hastings who asked him to remove his right hand from under his shirt. Detective Hastings later told investigative detectives that he had him do this for safety reasons, and talk with Detective Simon. Sgt. Woodall arrived at 621 Gillette as Mr. Spalding came out of the house. At that time Detective Simon attempted to place Mr. Spalding under arrest. Detective Simon reached for Mr. Spalding's hands/arms, to handcuff him and Mr. Spradling pulled away and a struggle ensued. Detectives Simon and Hastings took Mr. Spradling to the ground in an attempt to restrain him as Mr. Spradling put his hands down around his waist area. After putting the dogs up, Paul Hatfield then joined his mother and sister outside the rear of the house in the patio area and observed detectives fighting with Collin. He said that both his mother and sister were telling Collin to stop fighting but the struggle ensued.

## SUMMARY (Cont.)

Sgt. Woodall moved towards the struggle to assist as Detective Ford came to the back yard from side of the house to also assist. Detective Simon advised that Mr. Spradling kept his hand down around his waist and pockets as detective Simon attempted to gain control of him. Detective Simon stated that he felt a hard object inside Mr. Spradling's front pocket and clearly felt the handle of a pistol. Detective Simon told the other detectives present "gun, gun, he's got a gun". Sgt. Woodall questioned Detective Simon by saying "are you sure?" and again Detective Simon stated "gun, gun". Sgt. Woodall stated that he could see Mr. Spradling's hand coming up from his waist area with a gun as Detective Simon was trying to restrain him. Detective Hastings, who was also on the ground attempting to restrain Mr. Spradling, stated that he heard Detective Simon say gun, at which point he drew his service weapon and observed the barrel of a handgun in Mr. Spradling's hand "come up". Sgt. Woodall stated that he feared that Mr. Spradling was about to shoot when fired his weapon one time, striking Mr. Spradling one time in the back as Detective Hastings fired his weapon hitting Mr. Spradling in the head. Detective Ford, who had arrived to assist the struggling officers, heard Detective Simon telling the officers present that Mr. Spradling had a gun, fired his duty weapon twice, striking Mr. Spradling with both rounds. Mr. Spradling had stopped struggling with detectives at this time and dropped a black .25 caliber pistol that detectives had seen in his hand. Mr. William Collin Spradling died of his injuries at the scene. Detectives Aaron Simon, Clay Hastings, Michael Ford and Sgt. Frederick Woodall were transported to the Downtown Detective Division where they were read their Miranda Rights and gave taped statements to their involvement in this incident. Christina, Rachael, and Paul Hatfield were transported to the Detective Division where they were interviewed and taped statements taken.



## SUMMARY (Cont.)

On the same day, Ms. Sherry Harris telephoned detectives advising that she had received a telephone call from her daughter, Lindsey Harris, telling her that ~~Chaffin Booe had the stolen Smith and Wesson pistol at his house.~~ Detectives made contact with Mr. Booe at his house at 3016 Valley Drive on 07-16-08 at app. 1726 hours. Mr. Booe stated that he purchased the handgun from Collin Spradling on Tuesday the 15<sup>th</sup> at app. 1100 hours for \$300.00. The weapon was recovered by Detective Tommy Hudson and turned over to CSSU. Mr. Booe was notified about the shooting from Lindsey Harris on the 16<sup>th</sup> as Mr. Booe was a mutual friend of both Lindsey and Mr. Spradling and she had told him of the burglary at her mother's house that Mr. Spradling had committed. It was at that time that Mr. Booe realized that he had purchased a stolen gun. He wanted to give the gun back to Lindsey for her to return to her father, but Lindsey's mother, Sherry Harris, had insisted that they notify the detectives.. During Mr. Booe's statement he informed detectives that Mr. Spradling had told him that he would never go to jail for any period of time. Mr. Booe stated that Mr. Spradling had "a bad drug problem" and used Hydrocodone. Mr. Booe stated that Mr. Spradling had told him that he'd rather be dead than go to jail. Even going so far as to hurt an officer to get them to hurt him. Mr. Booe said "you know like a suicide by cop thing".

CSSU personnel and Homicide Detectives responded to 621 Gillette to interview witnesses and process the scene. The statements from all witnesses, involved officers as well as all other information has been compiled in this file and being sent for review by the Pulaski County Prosecuting Attorney's Office.

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

MICHAEL SPRADLING, as Personal Representative  
of the Estate of WILLIAM COLLIN SPRADLING,  
deceased, and AUDRA NELSON, natural mother and  
next friend of William Tyler Spradling, a minor,

Plaintiff,

v.

CLAY HASTINGS, MICHAEL FORD, FREDERICK  
WOODALL and AARON SIMON, individually and in  
their official capacities, and the CITY OF LITTLE ROCK,  
a municipality,

Defendants.

Case No.:

**AFFIDAVIT OF MICHAEL SPRADLING**

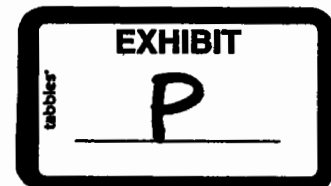
COMES NOW, MICHAEL SPRADLING, and I hereby state under oath that if called to  
testify in court, I could testify competently to the facts stated herein:

1. I am 57 years-old and a legally competent person acting on my own behalf.

2. William Collin Spradling ("Collin") is my son.

3. On July 16, 2008, I received a call while I was at work from someone identifying  
themselves as a Little Rock Police Officer and that I was needed at home. I could hear my wife  
Judi crying hysterically in the background, he would not tell me why I was needed only that my  
wife, Judi, requested that I be there. I came home immediately.

4. Once home, I made contact with a Lt. Terry Hastings and a police department  
chaplain. Lt. Hastings told me that police officers attempted to serve an arrest warrant on Collin.  
He said the police officers tried to arrest Collin. He told that during this process, Collin  
produced a gun and pointed it directly at officers. He told me that Collin was shot and killed  
because he pulled out a gun and pointed it directly at police officers.



5. Lt. Hastings did not identify the police officers who shot Collin. Lt. Hastings did not tell me that Clay Hastings was one of the shooters. He did not tell me that Clay Hastings was present at the shooting. He did not tell me that Clay Hastings was his son.

6. Judi and I were emotionally devastated and in shock having just learned that our son was shot and killed. Judi was hysterical and crying.

7. When Lt. Hastings left my home, based on what he had told us, we believed that police officers had an arrest warrant from a judge for Collin's arrest

8. When Lt. Hastings left my home, based on what he had told us, we believed that that Collin pointed a gun at officers immediately before his shooting,

9. When Lt. Hastings left my home, based on what he had told us, we believed that the reason Collin was shot and killed was because he produced a gun and pointed it at police officers.

10. When Lt. Hastings left my home, I did not know that the facts I had just received regarding the shooting death of my son were delivered by the father of one of the shooters of my son.

11. Prior to August 22, 2012, I was unaware of the following facts:

- a) That there was no arrest warrant for Collin.
- b) That Collin did not point a gun directly at the officers before he was shot and killed.
- c) That Collin may not have had a gun in his possession at all.
- d) That I had unknowingly supplied to prospective attorneys false information which made the actions of the involved officers seem reasonable.
- e) That Christina, Rachael and Paul Hatfield were each questioned at the LRPD before the statements of the involved officers.

- f) That the involved officers and witnesses were not separated after the shooting.
- g) That the involved officers discussed the incident together before their official statements.
- h) That Tommy Hudson questioned witnesses after he was present at the scene of the incident.
- i) That the investigators that questioned the only eyewitnesses had previously discussed the incident with the involved officers.
- j) That Clay Hastings was a shooter of Collin.
- k) That Lt. Hastings was the father of Clay Hastings, and may therefore have an interest in withholding from me facts that could adversely affect his son, Clay Hastings.
- l) That LRPD allegedly had misapplied the *Freedom of Information Act* and withheld important materials from use of force investigations, including the investigation of the shooting of Collin.
- m) That there might exist an audio recording and/or transcript of one of the shooting officers asking other officers if Collin had a gun.

Further, I sayeth not,

  
MICHAEL SPRADLING

ACKNOWLEDGMENT

STATE OF ARKANSAS     )  
                                      ) SS  
COUNTY OF PULASKI    )

On this 5<sup>th</sup> day of November 2012, before me, the undersigned, a Notary Public and for Pulaski County and Arkansas, duly commissioned and acting appeared in person the within named Michael Spradling, to me known to be the person whose name is subscribed to the foregoing document who swears that the statements made therein are true to the best of his knowledge and that he executed the same for the purposes therein mentioned and set forth.

IN THE WITNESS WHEREOF, I hereunto set my hand and seal on the date and year as stated hereinabove.

Subscribed and sworn to before me on November 5, 2012.

Rebecca Wilson  
Notary Public

"OFFICIAL SEAL"  
REBECCA WILSON  
Notary Public, State of Arkansas  
County of Saline  
My Commission Exp. 06/10/2020  
Commission #12377250

My commission expires: 6/10/2020

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

MICHAEL SPRADLING, as Personal Representative  
of the Estate of WILLIAM COLLIN SPRADLING,  
deceased,

Plaintiff,

v.

CLAY HASTINGS, MICHAEL FORD, FREDERICK  
"STEVE" WOODALL and AARON SIMON,  
individually and in their official capacities,

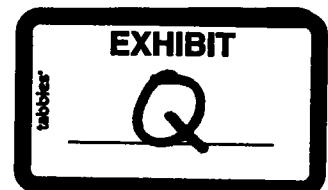
Defendants.

Case No.: 4:12-CV-693 JMM

**AFFIDAVIT OF MICHAEL SPRADLING**

COMES NOW, MICHAEL SPRADLING, and I hereby state under oath that if called to  
testify in court, I could testify competently to the facts stated herein:

1. I am 58 years-old and a legally competent person acting on my own behalf.
2. William Collin Spradling ("Collin") is my son.
3. In early 2009, I obtained a copy of the LRPD use of force file related to Collin's  
shooting. I had no reason to believe that the file was incomplete and I thought it was complete. I  
relied on the LRPD to provide a complete copy of the use of force file and I believed I possessed  
a complete copy of the file.
4. There were no audio or video recordings contained in the file I received. There  
were no tapes, discs, films or electronic or computer-based information in the file I received.
5. The table of contents made no mention of any additional materials such as video,  
audio, or MVR recordings or dashboard video.
6. There was no MVR transcript among the materials or in the table of contents.  
The table of contents described everything I received.

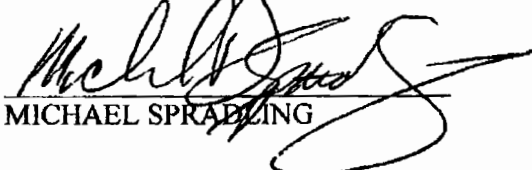


7. I relied on the involved officers to give truthful statements during the investigation into Collin's death. I relied on the LRPD to investigate the matter and disclose all evidence.

8. I believed I possessed the complete file from early 2009 until August 22, 2012 when I learned that video and/or audio may have been withheld by LRPD.

9. The misinformation I received on July 16, 2008 and the fact that I was never given a copy of any audio and/or video recordings prevented me from knowing important facts that transpired prior to Collin's death. This caused the statute of limitations to elapse and resulted in my inability to file a lawsuit by July 16, 2011.

Further, I sayeth not.

  
MICHAEL SPRADLING

**ACKNOWLEDGMENT**

STATE OF ARKANSAS     )  
                                      ) SS  
COUNTY OF PULASKI    )

On this 31st day of January 2013, before me, the undersigned, a Notary Public and for Pulaski County and Arkansas, duly commissioned and acting appeared in person the within named Michael Spradling, to me known to be the person whose name is subscribed to the foregoing document who swears that the statements made therein are true to the best of his knowledge and that he executed the same for the purposes therein mentioned and set forth.

IN THE WITNESS WHEREOF, I hereunto set my hand and seal on the date and year as stated hereinabove.

Subscribed and sworn to before me on January 31, 2013.

Rebecca Wilson  
Notary Public

"OFFICIAL SEAL"  
REBECCA WILSON  
Notary Public, State of Arkansas  
County of Saline  
My Commission Exp. 06/10/2020  
Commission #12377250

My commission expires: 6/10/2020