

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES
3 DEPARTMENT NO. 31 HON. KEITH H. BORJON, JUDGE
4 THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
5)
6 PLAINTIFF,)
7)
VS.) NO. BA490599
8)
01) DAYSTAR PETERSON,)
9)
DEFENDANT.)
_____)

10

11 REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING
12 TUESDAY, DECEMBER 14, 2021

13

14 APPEARANCES:

15 FOR THE PEOPLE: DISTRICT ATTORNEY
BY: KATHY TA,
16 DEPUTY DISTRICT ATTORNEY

17 FOR THE DEFENDANT: SHAWN HOLLY,
ATTORNEY AT LAW

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27 HTA: 1-13-22

ROSE SAUCEDO, CSR NO. 4303

28 DEPT: 132

OFFICIAL COURT REPORTER

1 M A S T E R I N D E X

2

3

RECROS

4 PEOPLE'S WITNESS

DIR CROS REDIR

5 CABRAL, SANDRA

3 --

6 STOGNER, RYAN

10 23 52 58

7

8 DEFENSE WITNESS

9 (NONE)

10

11

EXHIBITS

12

13 PEOPLE'S

MRK'D REC'D

14 1 - PHOTOGRAPH

12 59

15

16 DEFENSE

17 (NONE)

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1

1	CASE NUMBER:	BA490599-01
2	CASE NAME:	PEOPLE VS. DAYSTAR PETERSON
3	LOS ANGELES, CALIF.	TUESDAY, DECEMBER 14, 2021
4	DEPARTMENT 31	HON. KEITH H. BORJON, JUDGE
5	REPORTER:	ROSE SAUCEDO, CSR #4303
6	TIME:	8:50 A.M.
7	APPEARANCES:	
8		THE DEFENDANT PETERSON WITH

9 HIS COUNSEL, SHAWN HOLLY,
10 ATTORNEY AT LAW;
11 KATHY TA, DEPUTY DISTRICT
12 ATTORNEY OF LOS ANGELES
13 COUNTY, REPRESENTING THE PEOPLE
14 OF THE STATE OF CALIFORNIA.

15
16 THE COURT: ITEM NUMBER 2, DAYSTAR PETERSON,
17 BA490599. THE MATTER IS HERE FOR PRELIMINARY HEARING.
18 COUNSEL, PLEASE STATE YOUR APPEARANCES

FOR

19 THE RECORD.

20 MS. HOLLY: GOOD MORNING, YOUR HONOR. SHAWN
21 HOLLY ON BEHALF OF MR. PETERSON. HE IS PRESENT BEFORE
22 THE COURT.

23 MS. TA: GOOD MORNING, YOUR HONOR. KATHY TA ON
24 BEHALF OF THE PEOPLE.

25 THE COURT: PEOPLE ARE READY FOR PRELIMINARY
26 HEARING?

27 MS. TA: WE ARE, YOUR HONOR.

28 THE COURT: FURTHER READING OF THE COMPLAINT,

1 STATEMENT OF RIGHTS WAIVED?

2 MS. HOLLY: YES.

3 THE COURT: CALL YOUR FIRST WITNESS.

4 MS. TA: I WOULD ASK THE COURT IF WE COULD HAVE
5 OFFICER RYAN STOGNER DESIGNATED AS THE INVESTIGATING
6 OFFICER. WE ASK HE REMAIN DURING THE PENDENCY OF THE
7 HEARING.

ANY

8 MS. HOLLY: NO OBJECTION. MOTION TO EXCLUDE
9 OTHER WITNESSES.

10 THE COURT: PLEASE SPELL YOUR LAST NAME.

11 THE WITNESS: S-T-O-G-N-E-R, YOUR HONOR.

12 THE COURT: OFFICER STOGNER, FOR PURPOSES OF
13 PRELIMINARY HEARING, YOU ARE DESIGNATED INVESTIGATING
14 OFFICER AND MAY REMAIN IN THE COURTROOM TO ASSIST THE
15 DISTRICT ATTORNEY IN THE PRESENTATION OF THE CASE.

16 OTHER WITNESSES ARE TO REMAIN IN THE
17 HALLWAY.

COURT,

18 ANY OTHER WITNESSES PRESENT IN THE

19 MS. TA?

20 MS. TA: OUTSIDE OF THE FIRST WITNESSE, NO.

CALL

21 THE COURT: WITH THAT UNDERSTANDING, YOU MAY
22 YOUR FIRST WITNESS.

23 MS. TA: THE PEOPLE CALL OFFICER CABRAL.

WEBEX

24 THE COURT: IS THERE ANOTHER APPEARANCE ON
25 FOR THE PETERSON MATTER?

BE

26 MS. TA: I BELIEVE, YOUR HONOR, WE HAVE AN
27 ATTORNEY REPRESENTING THE VICTIM IN THIS CASE WHO MAY
28 SIGNING INTO WEBEX THIS MORNING.

3

1 THE COURT: NOTED FOR THE RECORD.

2 MS. TA: THANK YOU.

3 THE PEOPLE CALL OFFICER CABRAL.

PENDING

4 THE CLERK: YOU DO SOLEMNLY STATE THAT THE
5 TESTIMONY YOU ARE ABOUT TO GIVE IN THE CAUSE NOW

6 BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH,
7 AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

8 THE WITNESS: I DO.

DULY

9 SANDRA CABRAL,
10 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN FIRST
11 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

12 THE CLERK: PLEASE TAKE THE WITNESS STAND.

13 STATE BOTH NAMES, SPELL THEM FOR THE
14 RECORD.

15 THE WITNESS: MY NAME IS SANDRA CABRAL.
16 THE CLERK: PLEASE SPELL IT.
17 THE WITNESS: YES. LAST NAME C-A-B-R-A-L.
18 THE CLERK: AND YOUR FIRST NAME
19 THE WITNESS: SANDRA, S-A-N-D-R-A.

20

21 DIRECT EXAMINATION

22 BY MS. TA:

23 Q GOOD MORNING, OFFICER CABRAL.

24 A GOOD MORNING, MA'AM.

25 Q WHAT IS YOUR OCCUPATION AND ASSIGNMENT?

26 A I'M A POLICE OFFICER FOR THE LOS ANGELES
27 POLICE DEPARTMENT. PATROL OFFICER.

28 Q WHAT DIVISION ARE YOU CURRENTLY ASSIGNED

4

1 TO?

2 A HOLLYWOOD DIVISION.

3 Q HOW LONG HAVE YOU BEEN A SWORN PEACE
4 OFFICER?

5 A THREE YEARS.

6 Q HAVE YOU COMPLETED THE PEACE OFFICER

AND

7 STANDARDS OF TRAINING COURSE, CERTIFIED IN THAT COURSE
8 WHICH TRAINS IN THE REPORTING, INVESTIGATION OF CASES
9 TESTIFYING PURSUANT TO PROPOSITION 115?

10 A I HAVE.

11 Q ON JULY 12 OF 2020 AT ABOUT 4:30 IN THE
12 MORNING, DID YOU RESPOND TO THE AREA OF NORTH NICHOLS
13 CANYON IN THE COUNTY OF LOS ANGELES?

14 A I DID.

15 Q IS THAT IN THE NEIGHBORHOOD OF THE
16 HOLLYWOOD HILLS AREA?

17 A CORRECT.

18 Q WERE YOU RESPONDING TO A CALL REGARDING
19 SHOTS FIRED?

20 A YES.

LOCATION,
TRAVELING

21 Q WHILE YOU WERE EN ROUTE TO THAT
22 WHAT DID YOU SEE?

TRAVELING

23 A WE OBSERVED A BLACK SUV CADILLAC
24 ON HOLLYWOOD BOULEVARD AWAY FROM THE LOCATION WE WERE
25 RESPONDING TO.

YOU

26 Q AS PART OF THAT CALL YOU RECEIVED, DID
27 RECEIVE A SUSPECT VEHICLE DESCRIPTION?

28 A YES.

1 Q THE VEHICLE YOU SAW, DID IT MATCH THE
2 SUSPECT VEHICLE?

3 A YES.

I'M

4 Q ONCE YOU SAW THAT VEHICLE, DID YOU --

5 SORRY. DID YOU GO TO THE SCENE WITH A PARTNER?

6 A OF THE VEHICLE, YES.

YOU

7 Q AND WHEN YOU SPOTTED THIS VEHICLE, DID

8 GUYS DO A FELONY DETENTION STOP OF THE VEHICLE?

9 A YES, WE DID.

10 Q UPON DOING THAT STOP, COULD YOU SEE HOW
11 MANY OCCUPANTS WERE IN THE VEHICLE?

12 A NOT INITIALLY.

13 Q AT SOME POINT WERE YOU ABLE TO DETERMINE
14 HOW MANY OCCUPANTS WERE IN THE VEHICLE?

15 A YES.

16 Q HOW MANY OCCUPANTS WERE IN THE VEHICLE?

17 A FOUR.

THAT

18 Q DO YOU SEE ANYONE IN COURT HERE TODAY

19 YOU SAW ON THAT DATE?

20 A I DO.

21 Q COULD YOU PLEASE DESCRIBE WHAT THEY ARE
22 WEARING IN COURT AND POINT TO WHERE THEY ARE LOCATED IN
23 THE COURTROOM?

24 A THEY ARE WEARING A WHITE SHIRT. HE'S
25 WEARING A WHITE SHIRT.

26 THE COURT: IDENTIFYING MR. PETERSON.

27 Q WHEN YOU SAW THE DEFENDANT ON THAT DAY,
28 WHERE WAS HE LOCATED?

6

SEAT 1 A HE WAS SITTING IN THE FRONT PASSENGER
2 OF THE SUV.

REMOVED 3 Q WERE THE OCCUPANTS OF THE VEHICLE
4 FROM THE CAR?

5 A YES.

IN 6 Q ASIDE FROM THE DEFENDANT WHO WAS SEATED
AND 7 THE FRONT PASSENGER SEAT, WHO ELSE WAS IN THE VEHICLE
8 WHERE WERE THEY SEATED?

TWO 9 A THERE WAS A DRIVER AND THEN THERE WAS
10 FEMALE PASSENGERS IN THE REAR SEAT.

11 Q NOW, ONE OF THE REAR PASSENGERS, WAS HER
12 FIRST NAME MEGAN?

13 A YES.

14 Q WHERE WAS SHE LOCATED IN THE REAR
15 PASSENGER SEAT?

16 A SHE WAS SITTING BEHIND MR. DAYSTAR.

17 Q SO THE OTHER FEMALE IN THE VEHICLE, WAS
18 THAT PERSON LATER IDENTIFIED AS KELSEY HARRIS?

19 A YES.

20 Q WAS SHE IN THE REAR PASSENGER SEAT
BEHIND
21 THE DRIVER?

22 A YES, SHE WAS.

23 Q ONCE ALL THE OCCUPANTS WERE REMOVED WITH
24 RESPECT TO THE FEMALE IDENTIFIED AS MEGAN, DID YOU
25 OBSERVE ANY INJURIES ON HER?

26 A I DID.

27 Q WHAT INJURIES DID YOU OBSERVE?

28 A SHE WAS BLEEDING FROM HER RIGHT FOOT.

7

THE
1 Q DID YOU DO SOME TYPE OF INSPECTION OF
2 INTERIOR OF THAT SUV?

3 A I DID.

4 Q DID YOU FIND ANYTHING IN THE FRONT
5 PASSENGER SEAT AREA WHERE THE DEFENDANT WAS LOCATED?

6 MS. HOLLY: OBJECTION. LEADING.

7 THE WITNESS: I DID.

8 THE COURT: OVERRULED.

9 Q (BY MS. TA) WHAT DID YOU FIND?

10 A THERE WAS AN OLIVE GREEN HANDGUN ON THE
11 FLOORBOARD OF THE FRONT PASSENGER SEAT.

12 Q COULD YOU REPEAT THAT ONE MORE TIME.

13 A THERE WAS AN OLIVE GREEN HANDGUN ON THE
14 FLOORBOARD OF THE FRONT PASSENGER SEAT.

15 Q WAS THIS A SEMI-AUTOMATIC FIREARM?

16 A YES, IT WAS.

17 Q DID YOU INSPECT THE GUN ANY FURTHER AS
FAR
18 AS RENDERING IT SAFE?

19 A YES, I DID.

20 Q AS YOU WERE RENDERING IT SAFE, WHAT DID
21 YOU NOTICE ABOUT THAT FIREARM?

22 A THE FIREARM WAS WARM TO THE TOUCH.

23 Q ANYTHING ELSE ABOUT THE POSITION IN
WHICH
24 THE FIREARM WAS IN AT THE TIME THAT YOU OBSERVED IT?

25 A IT WAS IN THE SLIDE LOCK POSITION.

26 Q IS THERE ANYTHING SIGNIFICANT ABOUT

THAT?

27 A THERE IS. THE FIREARM, TO US, SHOWS US
28 THAT THE FIREARM HAD BEEN USED . . .

8

AUTOMATIC 1 Q WAS THERE A MAGAZINE INSIDE THE
2 FIREARM?

3 A THERE WAS.

HER 4 Q THE FEMALE, MEGAN, DID SHE -- WHAT WAS
5 DEMEANOR AT THAT MOMENT?

6 A SHE WAS IN A PANIC, FRANTIC.

NUMBER 7 Q THAT FIREARM, WAS IT BOOKED AS ITEM
8 TWO UNDER DR NUMBER 200612515?

9 A YES, IT WAS.

10 Q THE LOCATION WHERE YOU SPOTTED THIS SUV,
11 ABOUT HOW FAR WAS IT FROM WHERE THE CALL "SHOTS FIRED"
12 FROM WHERE THAT ORIGINATED?

13 A APPROXIMATELY A MILE.

WENT 14 Q DID YOU SPEAK WITH ANY OFFICERS THAT
15 TO THE LOCATION OF WHERE THE CALL ORIGINATED?

16 A I DID.

17 Q DID YOU DISCUSS WITH THEM WHETHER OR NOT
18 THEY FOUND OR OBSERVED ANY EVIDENCE AT THE SCENE?

19 A YES.

20 Q WHAT DID THEY OBSERVE?

21 A THEY OBSERVED FOUR CASINGS, SPENT
CASINGS
22 AT THE LOCATION WHERE THE ORIGINAL CALL CAME FROM.

23 Q WHAT EXACTLY IS A SPENT CASING?

24 A YES, IT'S A ROUND THAT HAS BEEN FIRED.

25 Q WHAT TYPE OF FIREARM WAS THE ONE THAT
WAS
26 RECOVERED FROM THE SUV?

27 A 9MM.

28 Q THE SPENT CASINGS THAT WERE FOUND AT THE

9

1 LOCATION WHERE THE CALL ORIGINATED, WHAT TYPE OF
CASINGS
2 WERE THOSE?

3 A THE SAME, 9MM.

4 Q WAS IT FOUR SPENT CASINGS THAT WERE
FOUND
5 AT THE LOCATION WHERE THE CALL ORIGINATED?

6 A YES.

NICHOLS

7 Q WAS THIS A RESIDENTIAL AREA NORTH

8 CANYON?

9 A YES, IT WAS.

10 Q THE FOUR SPENT CASINGS, WAS THAT BOOKED
11 UNDER ITEM 31, DR NUMBER 2001612515?

12 A YES.

13 Q THANK YOU.

14 MS. TA: NOTHING FURTHER FOR THIS WITNESS.

15 THE COURT: THANK YOU.

16 MS. HOLLY.

AT

17 MS. HOLLY: YOUR HONOR, I DON'T HAVE QUESTIONS

18 THIS TIME. I WOULD ASK THE OFFICER TO REMAIN ON CALL.

19 THE COURT: ALL RIGHT. OFFICER CABRAL, YOU MAY
20 STEP DOWN. HOWEVER, YOU WILL BE ON CALL.

21 CALL YOUR NEXT WITNESS.

22 MS. TA: THANK YOU. THE PEOPLE CALL OFFICER
23 STOGNER.

PENDING

24 THE CLERK: YOU DO SOLEMNLY STATE THAT THE
25 TESTIMONY YOU ARE ABOUT TO GIVE IN THE CAUSE NOW

26 BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH,
27 AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

28 THE WITNESS: YES.

DULY

1 RYAN STOGNER,
2 CALLED AS A WITNESS BY THE PEOPLE, HAVING BEEN FIRST
3 SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

4 THE CLERK: PLEASE TAKE THE WITNESS STAND.
5 STATE BOTH NAMES, SPELL THEM FOR THE
6 RECORD.

7 THE COURT: OFFICER CABRAL, YOU HAVE TO WAIT IN
8 THE HALLWAY.

9 MS. HOLLY: THANK YOU, YOUR HONOR.

10 THE WITNESS: DETECTIVE RYAN STOGNER. R-Y-A-N.
11 S-T-O-G-N-E-R.

12

13 DIRECT EXAMINATION

14 BY MS. TA:

OCCUPATION

15 Q DETECTIVE STOGNER, WHAT IS YOUR
16 AND ASSIGNMENT?

17 A I'M A DETECTIVE WITH THE LOS ANGELES
18 POLICE DEPARTMENT. I AM CURRENTLY ASSIGNED TO GANG AND
19 NARCOTICS DIVISION. AT THE TIME OF THIS INVESTIGATION,

I

20 WAS ASSIGNED TO HOLLYWOOD DIVISION, ROBBERY DETECTIVE.

21 Q HOW LONG HAVE YOU BEEN A SWORN PEACE

22 OFFICER?

23 A APPROXIMATELY 15 YEARS.

24 Q NOW, WERE YOU ASSIGNED LEAD
INVESTIGATIVE

25 DUTIES ON A SHOOTING INCIDENT THAT OCCURRED BACK ON
26 JULY 12 OF 2020 AT ABOUT 4:30 A.M.?

27 A YES.

28 Q AGAIN THAT WAS IN THE AREA OF NORTH

11

1 NICHOLS CANYON DRIVE?

2 A YES.

3 Q IS THAT IN THE COUNTY OF LOS ANGELES?

4 A YES, IT IS.

5 Q NOW, AS PART OF YOUR INVESTIGATION, DID
6 YOU SPEAK WITH AN INDIVIDUAL BY THE FIRST NAME OF
MEGAN,

7 LAST INITIAL P?

8 A YES.

9 Q DID YOU CONDUCT MORE THAN ONE INTERVIEW
10 WITH MEGAN P?

11 A YES.

12 Q WAS THERE ONE INITIALLY CONDUCTED JUST A

13 FEW DAYS AFTER THIS INCIDENT ON JULY 16, 2020?

14 A YES.

15 Q DID YOU ALSO CONDUCT AN INTERVIEW WITH
HER

16 ON NOVEMBER 12, 2020?

17 A YES.

18 Q AS TO THOSE INTERVIEWS, WHAT, IF
ANYTHING,

19 DID SHE TELL YOU HAPPENED ON JULY 12 OF 2020 AT 4:30
20 A.M.?

21 MS. HOLLY: OBJECTION. CALLS FOR A NARRATIVE.

22 THE COURT: SUSTAINED.

23 JUST CONTROL THE EXAMINATION, MS. TA.

24 Q (BY MS. TA) WHEN YOU SPOKE WITH MEGAN
P,

25 DID SHE TELL YOU WHETHER OR NOT ANYTHING HAPPENED ON
26 JULY 12 OF 2020 AT 4:30 A.M. ON NORTH NICHOLS CANYON
27 DRIVE?

28 A YES, SHE DID.

12

1 Q DID SHE TELL YOU WHO SHE WAS WITH AT THE
2 TIME THIS INCIDENT OCCURRED AROUND THAT TIME PERIOD?

3 A YES.

YOU?

4 Q WHO WAS SHE WITH?

5 A SHE WAS WITH THREE OTHER INDIVIDUALS.

6 Q DID SHE IDENTIFY THOSE INDIVIDUALS TO

7 A YES.

8 Q WHO DID SHE SAY THEY WERE?

9 A SHE IDENTIFIED ONE OF THEM AS TORY LANEZ
10 OR DAYSTAR PETERSON. ONE OF HER OTHER FRIENDS, KELSEY
11 HARRIS AND THEN ANOTHER MALE WHO SHE DESCRIBED AS TORY
12 LANEZ'S BODY GUARD.

13 Q THE FEMALE, KELSEY HARRIS, DID MEGAN P
14 TELL YOU WHAT HER RELATIONSHIP TO KELSEY WAS?

15 A MEGAN IDENTIFIED KELSEY AS HER FRIEND.

SAID

16 Q DID SHE ALSO IDENTIFY THE PERSON SHE
17 WAS TORY LANEZ TO YOU THROUGH A PHOTO IDENTIFICATION?

18 A YES.

19 Q WAS THAT DONE ON NOVEMBER 12 OF 2020?

20 A YES.

21 MS. TA: YOUR HONOR, I HAVE WHAT APPEARS TO BE
22 ONE COLOR PHOTOGRAPH OF AN INDIVIDUAL. MAY THIS BE
23 MARKED PEOPLE'S 1 FOR IDENTIFICATION?

24 THE COURT: PEOPLE'S 1 FOR IDENTIFICATION.
25 PHOTO, ONE PAGE.

26 (PEOPLE'S EXHIBIT NO. 1 WAS MARKED FOR
27 PURPOSES OF IDENTIFICATION ONLY)

28 MS. TA: THANK YOU.

13

1 MAY I APPROACH THE WITNESS?

2 THE COURT: YOU MAY.

3 MS. TA: THANK YOU.

4 Q (BY MS. TA) SHOWING YOU WHAT'S BEEN
5 IDENTIFIED AS PEOPLE'S 1. DO YOU RECOGNIZE THIS
6 DOCUMENT?

7 A YES.

8 Q HOW DO YOU RECOGNIZE IT?

9 A IT'S AN UNMARKED PHOTOGRAPH OF THE
10 DEFENDANT THAT I PRINTED.

11 Q AND THERE APPEARS TO BE SOME WRITTEN
12 NOTATION TO THE RIGHT OF THAT PHOTOGRAPH; IS THAT
13 CORRECT?

14 A CORRECT.

15 Q WHAT IS THE WRITTEN NOTATION?

11:15

16 A I WROTE 11-12-2020 AT APPROXIMATELY
17 HOURS, MEGAN P, I.D.'D AS QUOTE, UNQUOTE "TORY."

18 Q WAS THIS THE PHOTOGRAPH YOU SHOWED TO
19 MEGAN P TO SEE IF SHE COULD IDENTIFY THE PERSON AS
TORY?

20 A YES.

21 Q THE PERSON THAT IS DEPICTED IN THIS
22 PHOTOGRAPH, DO YOU SEE HIM HERE IN COURT TODAY?

23 A YES.

IN 24 Q COULD YOU DESCRIBE WHERE HE IS LOCATED
25 THE COURTROOM?

DEFENSE 26 A HE IS THE DEFENDANT SEATED NEXT TO
27 COUNSEL WEARING THE WHITE SHIRT.

28 THE COURT: IDENTIFYING MR. PETERSON.

14

WAS 1 Q DID MS. MEGAN P EXPLAIN TO YOU HOW IT
2 SHE CAME TO BE WITH THESE OTHER INDIVIDUALS THAT NIGHT?

3 A YES.

4 Q WHAT DID SHE SAY?

THEY 5 A MEGAN AND KELSEY ORIGINALLY WERE AT A
6 PARTY IN THE HOLLYWOOD HILLS. THEY LATER MET UP WITH
7 MR. PETERSON AND HIS ASSOCIATE. LATER IN THE NIGHT,
RIDE 8 ULTIMATELY WERE GIVING MEGAN AND HER FRIEND KELSEY A
9 HOME.

REFERRING 10 Q WHEN YOU SAY "THEY," WHO ARE YOU
11 TO?
12 A MR. PETERSON AND HIS ASSOCIATE.
13 Q THAT WOULD BE THE DRIVER?
14 A THE DRIVER, YES, MA'AM.
15 Q WHAT HAPPENED NEXT ACCORDING TO MEGAN?
16 A ACCORDING TO MEGAN, MR. PETERSON WAS
17 INTOXICATED AND DID NOT WANT TO LEAVE THE PARTY, AN
18 ARGUMENT ENSUED BETWEEN MEGAN, MR. PETERSON AND ALSO
HER
19 FRIEND, KELSEY. AT SOME POINT MEGAN ASKED TO GET OUT
OF
20 THE VEHICLE. THE DRIVER COMPLIES BY STOPPING THE
VEHICLE
21 IN THE MIDDLE OF THE STREET AND MEGAN EXITING THE
22 VEHICLE.
23 Q WHAT DID MEGAN SAY HAPPENED NEXT?
24 A MEGAN DESCRIBED HER POSITION IN THE
25 VEHICLE AS SEATED IN THE FRONT PASSENGER SEAT. AS SHE
26 EXITED THE VEHICLE, SHE HEARD MR. PETERSON YELLING
27 OBSCENITIES AT HER AND STATED, "DANCE, BITCH" AND THEN
28 BEGAN FIRING A WEAPON AT HER.

1 Q NOW, WHEN MEGAN TOLD YOU SHE WAS
2 SHE ORIGINALLY IN THE FRONT PASSENGER SEAT, SHE MENTIONED
3 EXITED THE VEHICLE, CORRECT?

4 A CORRECT.

5 Q DID MEGAN INDICATE AT THAT POINT WHETHER
6 THE OTHER OCCUPANTS OF THE VEHICLE REMAINED IN THE
7 VEHICLE?

8 A SHE DID INDICATE SOMETHING TO THAT
9 EFFECT.

10 Q AS SHE WAS LEAVING THE VEHICLE, DID SHE
11 TELL YOU WHERE SHE WAS HEADED OR IN WHAT DIRECTION SHE
12 WAS WALKING?

13 A SHE WAS WALKING AWAY FROM THE VEHICLE
14 AND HER INTENTION WAS TO CONTACT ANOTHER INDIVIDUAL TO PICK
15 HER UP.

16 Q AS SHE WAS WALKING AWAY FROM THE
17 VEHICLE, DID SHE TELL YOU IF SHE WAS WALKING AWAY TOWARDS THE
18 REAR, PAST THE REAR DOOR?

19 A YES. SHE WAS WALKING AWAY TO THE REAR
20 OF THE VEHICLE.

21 Q AS SHE WAS WALKING AWAY, HOW WAS IT SHE
22 BECAME AWARE THAT THE DEFENDANT HAD MADE THE STATEMENT,
"DANCE, BITCH"?

23 A SHE HAD TURNED BACK TOWARDS THE VEHICLE
24 SHE AND OBSERVED MR. PETERSON HOLDING A FIREARM, AND THEN
25 OBSERVED HIM START TO SHOOT AT HER.

26 Q DID SHE TELL YOU WHERE HE WAS LOCATED AS
27 HE WAS SHOOTING THE FIREARM AT HER?

28 A SHE DESCRIBED IT AS THE THRESHOLD OF THE

16

WHERE 1 REAR PASSENGER DOOR WHERE SHE DESCRIBED IT KIND OF
2 HE WAS HALF IN, HALF OUT, STANDING ON THE STEP BOARDS
OF 3 THE VEHICLE.

FIRING 4 Q TO HER KNOWLEDGE AT THE TIME HE WAS
5 THIS WEAPON, DID SHE KNOW WHERE KELSEY WAS?

6 A THE LAST SHE KNEW -- SHE DID NOT KNOW
7 WHERE KELSEY WAS EXACTLY AT THE TIME OF THE SHOOTING.

8 SHE DESCRIBED HER ATTENTION AS BEING DIRECTED TOWARDS
MR.

9 PETERSON BECAUSE HE WAS SHOOTING AT HER. HOWEVER, THE
10 LAST PLACE SHE KNEW THAT KELSEY WAS SEATED WAS IN THE
11 REAR PASSENGER SEAT BEHIND THE PASSENGER SIDE -- ON
THE

12 PASSENGER SIDE OF THE VEHICLE IN THE REAR.

TELL
13 Q THEN AS FAR AS THE DRIVER, DID MEGAN
14 YOU WHETHER OR NOT SHE WAS AWARE OF WHERE HE WAS
15 AT THE TIME OF THE SHOOTING?
LOCATED

16 A SHE WAS NOT AWARE WHERE HE WAS LOCATED
17 THE TIME OF THE SHOOTING.
AT

18 Q WHAT DID MEGAN SAY HAPPENED AFTER THE
19 DEFENDANT SHOT AT HER?

20 A SHE DESCRIBED THAT MR. PETERSON AND
21 RAN UP TO HER. SHE STATED MR. PETERSON IMMEDIATELY
22 EMPHATICALLY APOLOGIZED FOR DOING WHAT HE DID AND
23 TO DRIVE HER HOME.
KELSEY
AGREED

24 Q AFTER HE FIRED THE SHOTS, DID MEGAN TELL
25 YOU WHETHER OR NOT SHE FELT ANYTHING?

26 A SO MEGAN IMMEDIATELY FELT PAIN TO HER
27 AND THEN OBSERVED BLOOD. SHE FELL TO THE GROUND AND
28 CRAWLED TO AN ADJACENT DRIVEWAY OF A RESIDENCE.
FEET
THEN

KELSEY

1 Q NOW, AS SHE WAS OUTSIDE AND SAID,
2 ACCORDING TO MEGAN, THE DEFENDANT AND KELSEY APPROACHED
3 HER, DID ANYTHING OCCUR BETWEEN THE DEFENDANT AND
4 ACCORDING TO MEGAN?

OF

BUMP

THEN

BE

5 A MEGAN STATED THAT, FROM HER DESCRIPTION
6 OF IT, WAS THAT SHE OBSERVED KELSEY AND MR. PETERSON
7 INTO EACH OTHER; AND ACCORDING TO HER, SHE AGREED TO
8 GET BACK INTO THE CAR WITH THE DEFENDANT AND KELSEY TO
9 BROUGHT HOME.

10 Q DID SHE RECALL WHETHER OR NOT KELSEY HAD
11 ALSO TENDED TO HER AS SHE LAY ON THE GROUND?

12 A ACCORDING TO MEGAN, BOTH OF THE
13 INDIVIDUALS OBSERVED THE BLOOD AND THE INJURIES TO HER
14 FEET AND HER FRIEND KELSEY ATTEMPTED TO PROVIDE MEDICAL
15 AID TO HER.

SHE

16 Q WHEN SHE GOT BACK IN THE VEHICLE, DOES
17 RECALL WHERE EVERYONE WAS SEATED AT THAT POINT?

KELSEY

18 A YES. WHEN SHE RETURNED TO THE VEHICLE,
19 THE DRIVER REMAINED IN THE DRIVER'S SEAT AND THEN
20 AND MEGAN WERE IN THE REAR OF THE VEHICLE AND THEN
21 DEFENDANT PETERSON WAS IN THE FRONT PASSENGER SEAT.

22 Q ONCE SHE RETURNED TO THE VEHICLE, DID

SHE

23 SAY WHETHER OR NOT SHE WAS BLEEDING?

24 A SHE DESCRIBED HER INJURIES AS BLEEDING
25 PROFUSELY.

26 Q DID SHE SAY WHETHER OR NOT THE DEFENDANT
27 MADE ANY STATEMENTS TO HER AFTER HE HAD SHOT AT HER?

28 A YES.

18

1 Q WHAT STATEMENTS DID HE MAKE ACCORDING TO
2 MEGAN?

3 A MEGAN STATED THAT THE DEFENDANT
4 FOR DOING IT AND OFFERED HER MONEY AND BEGGED HER TO
5 PLEASE NOT SAY ANYTHING AND MADE A REFERENCE TO THE
6 THAT HE WAS ALREADY ON PROBATION; AND THAT HE BEGGED
7 NOT TO SAY ANYTHING.

8 Q ONCE THEY WERE IN THE CAR, WHAT HAPPENED
9 NEXT?

10 A MOMENTS LATER DUE TO RADIO CALLS FOR
11 SHOOTING IN PROGRESS THAT HAD BEEN GENERATED BY
12 IN THE RESIDENTIAL NEIGHBORHOOD, RESPONDING OFFICERS

13 OBSERVED A VEHICLE MATCHING THE SUSPECT DESCRIPTION
BASED
14 ON THE RADIO CALL AND CONDUCTED A FELONY TRAFFIC STOP
ON
15 THE VEHICLE THAT MEGAN AND THE DEFENDANT WERE IN.

16 Q DID SHE DISCUSS WITH YOU STATEMENTS THAT
17 SHE HAD INITIALLY MADE TO RESPONDING OFFICERS?

18 A YES.

19 Q WHAT DID SHE SAY ABOUT THAT?

20 A INITIALLY MEGAN STATED TO THE RESPONDING
21 OFFICERS THAT SHE WAS NOT SHOT AND THAT SHE HAD
SUSTAINED
22 INJURIES TO HER FEET DUE TO STEPPING ON BROKEN GLASS.

23 Q DID SHE TELL YOU WHY SHE STATED THAT TO
24 THE OFFICERS?

25 A SHE SAID THAT AT THE TIME SHE WAS
26 EXTREMELY SCARED AND EMBARRASSED; AND WAS, DUE TO THE
27 FACT THAT SHE WAS FRIENDS WITH THE DEFENDANT, SHE WAS
28 SCARED THAT HE WAS GOING TO GET IN TROUBLE. AND SHE
HAD

19

1 ALSO EXPRESSED SOME CONCERNS REGARDING THE POLITICAL
2 CLIMATE REGARDING POLICE AND SHOOTINGS.

RECENT

3 Q WHAT EXACTLY DID SHE SAY ABOUT THAT?

4 A SHE WAS AFRAID THAT THERE HAD BEEN

5 POLICE SHOOTINGS AND THAT SHE DESCRIBED HER CONCERN FOR
6 THE POLICE POSSIBLY SHOOTING THE DEFENDANT SINCE HE HAD
7 JUST COMMITTED A SHOOTING.

DOUBT

8 Q WHEN SHE STATED TO YOU THAT SHE SAW THE
9 DEFENDANT SHOOT HER, DID SHE INDICATE THERE WAS ANY

10 IN HER MIND THAT IT WAS THE DEFENDANT AND THE DEFENDANT
11 ALONE HAD FIRED THE WEAPON AT HER?

12 A NO, NO DOUBT.

13 Q DID SHE AUTHORIZE THE RELEASE OF HER
14 MEDICAL RECORDS?

15 A YES.

16 Q DID YOU SPEAK WITH A DOCTOR WHO MAY HAVE
17 TREATED HER FOR THOSE INJURIES?

18 A YES.

19 Q WAS SHE TREATED THAT NIGHT?

20 A YES.

21 Q WHERE WAS SHE TREATED?

22 A AT CEDARS SINAI MEDICAL CENTER.

23 Q WHEN YOU SPOKE TO THE DOCTOR, WAS THAT
24 DR. MILTON LITTLE FROM CEDARS SINAI?

25 A YES.

26 Q IS HE AN ORTHOPEDIC SURGEON?

27 A YES.

28 Q DID HE TELL YOU WHAT TREATMENT HE

20

1 RENDERED?

2 A YES.

3 Q WHAT DID HE SAY?

4 A HE TOLD ME THAT HE HAD TO SURGICALLY

MEGAN'S

5 REMOVE WHAT HE DESCRIBED AS BULLET FRAGMENTS FROM

HE

6 LEFT AND RIGHT FEET. THAT SURGERY WAS CONDUCTED WHEN

7 USED STITCHES TO SUTURE THE WOUNDS.

THAT

8 HOWEVER, THERE WERE BULLET FRAGMENTS

IN

9 HE WAS UNABLE TO REMOVE FROM MEGAN'S FOOT THAT REMAIN

10 HER FOOT TO THIS DAY.

11 Q DOES SHE STILL HAVE SCARRING TO HER FEET
12 WHEN YOU MET WITH HER NOVEMBER 12, 2020?

13 A YES.

DEALING

14 Q DID SHE TELL YOU WHETHER OR NOT SHE HAD
15 ANY OTHER RESIDUAL INJURIES OR PAIN THAT SHE WAS

16 WITH AS A RESULT OF WHAT HAPPENED THAT DAY?

THERAPY

17 A YES.

18 Q WHAT DID SHE SAY?

19 A SHE SAID SHE HAS ONGOING PHYSICAL

20 IN ORDER TO ACHIEVE FULL RANGE OF MOTION AND STILL HAS

21 DIFFICULTY WALKING IN CERTAIN TYPES OF SHOE WEAR.

22 Q DID SHE INDICATE THERE WAS ANY NERVE

23 DAMAGE?

24 A SHE INDICATED THERE WAS NERVE DAMAGE TO

25 HER FOOT.

26 Q NOW, THE FIREARM IN THIS CASE THAT WAS

27 RECOVERED AS ITEM NUMBER TWO, WAS THAT A REGISTERED OR

28 UNREGISTERED FIREARM?

21

1 A UNREGISTERED.

2 Q THE DEFENDANT ON THAT NIGHT, WAS HE

3 IMMEDIATELY ARRESTED AFTER THE FELONY VEHICLE STOP?

4 A YES.

5 Q ONCE HE WAS ARRESTED, WAS HE BOOKED INTO

6 LOS ANGELES POLICE DEPARTMENT JAIL?

7 A YES.

8 Q WHILE HE WAS BOOKED IN L.A.P.D. JAIL,

DID

9 YOU RETRIEVE ANY TYPE OF JAIL CALLS THAT MAY HAVE BEEN
10 MADE?

11 A YES.

12 Q HOW DID YOU GO ABOUT DOING THAT?

HAVE 13 A THROUGH OUR DEPARTMENT RESOURCES, WE

14 ACCESS TO MONITOR PHONE CALLS THAT ARE CONDUCTED BY
15 ARRESTEES AS THEY ARE BOOKED. THEY OBTAIN A PIN NUMBER
16 THAT WE UTILIZE TO TRACK THE PHONE CALLS PLACED BY
17 INDIVIDUAL ARRESTEES.

BY 18 Q DID YOU TRACK ANY CALLS THAT WERE MADE
19 THE DEFENDANT ON THE NIGHT OF HIS ARREST?

20 A YES.

21 Q WAS THERE ONE IN PARTICULAR THAT WAS
22 SIGNIFICANT TO YOU?

23 A YES.

24 Q WHAT CALL WAS THAT?

25 A THE DEFENDANT PLACED A CALL TO MEGAN'S
26 FRIEND WHO WAS ALSO A WITNESS TO THE SHOOTING, KELSEY
27 HARRIS.

28 Q WHEN WAS THAT CALL PLACED IN RELATION TO

1 AFTER THE SHOOTING OCCURRED?

ACTUALLY 2 A IT WAS PLACED HOURS AFTER HE WAS
3 BOOKED INTO JAIL.

4 Q DURING THAT CALL THAT YOU LISTENED TO --
5 HOW DID YOU KNOW THE CALL WAS PLACED TO KELSEY HARRIS?

WITH 6 A THE SYSTEM PROVIDES A PHONE NUMBER THAT
7 THE ARRESTEE DIALS. THAT PHONE NUMBER IS CONSISTENT
8 THE PHONE NUMBER PROVIDED BY WITNESS HARRIS, AND IT'S
9 ALSO THE SAME PHONE NUMBER THAT I HAD SPOKEN TO WITNESS
10 HARRIS PREVIOUSLY.

11 Q HAVING LISTENED TO THAT CALL, WHAT, IF
12 ANYTHING, OCCURRED?

THAT 13 A THE DEFENDANT CONTINUED TO APOLOGIZE FOR
14 THE INCIDENT THAT OCCURRED. STATED -- TOLD KELSEY
FOR 15 HE WAS, BASICALLY, THAT HE WAS DRUNK AND HE WAS SORRY
16 WHAT HE HAD DONE.

KELSEY, 17 Q AT THE TIME THE CALL WAS PLACED TO
18 DID KELSEY IDENTIFY WHERE SHE WAS AT WHEN THE DEFENDANT
19 CALLED HER? WHEN THE CALL WAS MADE BY THE DEFENDANT TO
20 KELSEY, WHERE WAS KELSEY AT?

21 A OH, KELSEY WAS ACTUALLY STILL AT THE
22 HOSPITAL WITH MEGAN AT THE TIME OF THE CALL.

WAS

23 Q DID THE DEFENDANT ASK KELSEY HOW MEGAN

24 DOING?

25 A YES.

26 Q AT ANY POINT DURING THAT PHONE CALL, DID

27 HE DENY BEING RESPONSIBLE FOR ANYTHING?

28 A NO.

23

1 Q THANK YOU.

2 MS. TA: NOTHING FURTHER FOR THIS WITNESS.

3 THE COURT: MS. HOLLY.

4 MS. HOLLY: THANK YOU.

5

6 CROSS-EXAMINATION

7 BY MS. HOLLY:

8 Q GOOD MORNING, DETECTIVE STOGNER.

9 A GOOD MORNING, MA'AM.

10 Q YOU ARE ONLY AWARE OF FIVE PEOPLE THAT

11 WERE EYEWITNESSES TO THIS INCIDENT, CORRECT?

12 A YES, MA'AM.

13 Q THOSE PEOPLE ARE MEGAN, JAQUAN SMITH,

14 KELSEY HARRIS, DAYSTAR PETERSON AND SEAN KELLY,

CORRECT?

15 A CORRECT.

16 Q NOW, MR. KELLY IS AN EYEWITNESS WHO SAW
17 THE INCIDENT FROM HIS BALCONY AFTER BEING AWAKENED TO
THE

18 SOUNDS OF AN ARGUMENT, CORRECT?

19 A YES.

20 Q YOU HAVE SPOKEN WITH MR. KELLY, CORRECT?

21 A YES.

22 Q NOW, OF THOSE FIVE WITNESSES, ONLY TWO
OF

23 THEM GAVE STATEMENTS TO THE POLICE, RIGHT?

24 A CORRECT.

25 Q THAT WOULD BE MEGAN AND MR. KELLY,

26 CORRECT?

27 A YES.

28 Q WOULD YOU AGREE WITH ME THAT THE
ACCOUNTS

24

1 ABOUT WHAT HAPPENED AS TOLD TO YOU BY MR. KELLY AND BY
2 MEGAN ARE SUBSTANTIALLY DIFFERENT?

3 A THEY ARE DIFFERENT, YES.

4 Q WOULD YOU AGREE THAT MR. KELLY, UNLIKE

5 MEGAN, IS AN INDEPENDENT WITNESS?

6 A YES.

7 Q IN OTHER WORDS, HE HAS NO PARTICULAR
8 INTEREST IN THIS INCIDENT, CORRECT?

9 A CORRECT.

10 Q HE DOESN'T KNOW ANY OF THE PEOPLE
11 INVOLVED, RIGHT?

12 A NOT THAT I'M AWARE OF.

13 Q HE DIDN'T EVEN KNOW WHO TORY LANEZ OR
14 MEGAN THE STALLION WERE, RIGHT?

15 A CORRECT.

16 Q HE ONLY BECAME KNOWN TO YOU WHEN
OFFICERS

17 CANVASSED THE AREA SHORTLY AFTER THE INCIDENT TO SEE IF
18 THERE WERE ANY WITNESSES TO IT, CORRECT?

19 A YES.

20 Q AND MR. KELLY ACKNOWLEDGED HAVING BEEN
AN

21 EYEWITNESS TO THE INCIDENT, CORRECT?

22 A YES.

23 Q AS YOU TESTIFIED, MEGAN LIED TO THE
POLICE

24 ABOUT WHAT HAPPENED INITIALLY?

25 A YES.

26 Q SHE LIED TO SEVERAL POLICE OFFICERS
ABOUT

27 WHAT HAPPENED, CORRECT?

28 A YES.

25

1 Q SHE ALSO LIED TO THE DOCTORS AT CEDARS
2 SINAI ABOUT WHAT HAPPENED, CORRECT?

3 MS. TA: OBJECTION. FOUNDATION. CALLS FOR
4 HEARSAY.

5 MS. HOLLY: IT'S DEFINITELY NOT OFFERED FOR THE
6 TRUTH OF THE MATTER.

7 THE COURT: ALL RIGHT. IT'S NOT OFFERED FOR
8 TRUTH. OVERRULED ON THAT BASIS.

9 Q (BY MS. HOLLY) SHE LIED TO THE DOCTORS
10 AT CEDARS SINAI ABOUT WHAT HAPPENED, CORRECT?

11 A I BELIEVE SO, YES.

12 Q SHE TOLD THE OFFICERS AND THE DOCTORS
13 THAT SHE HAD CUT HER FOOT ON GLASS; IS THAT RIGHT?

14 A YES.

15 Q AND, IN FACT, THE DOCTOR SAID THAT HER
16 GLASS, INJURY APPEARED CONSISTENT WITH A LACERATION FROM
17 CORRECT?

18 A YES.

19 MS. TA: OBJECTION. CALLS FOR FOUNDATION.

20 THE COURT: OVERRULED.

21 MS. TA: HEARSAY.

22 THE COURT: 115. THE DOCTOR TOLD HIM THAT.

23 Q (BY MS. HOLLY) SO INITIALLY THE
OFFICERS

24 BELIEVED HER, CORRECT?

25 A THAT I DON'T KNOW.

26 MS. TA: OBJECTION. THAT CALLS FOR FOUNDATION.

27 HEARSAY. SPECULATION.

28 THE COURT: IT IS SUSTAINED. IT'S IRRELEVANT.

26

1 Q (BY MS. HOLLY) THE DOCTORS ALSO
BELIEVED

2 HER, DIDN'T THEY?

3 MS. TA: OBJECTION. CALLS FOR SPECULATION.

4 MS. HOLLY: LET ME REPHRASE.

5 THE COURT: SUSTAINED. YOU MAY.

6 MS. HOLLY: THANK YOU.

7 Q (BY MS. HOLLY) DID YOU LEARN THROUGH
THE

8 COURSE OF YOUR INVESTIGATION AS INVESTIGATING OFFICER

9 THAT THE DOCTORS BELIEVED HER INITIALLY?

10 A THEY --

11 Q THAT THEY SAID SO?

12 MS. TA: I WILL MAKE THE SAME -- IT DOES

13 ACTUALLY CALL FOR HEARSAY. FOUNDATIONAL ISSUES. CALLS
14 FOR SPECULATION. IT'S IRRELEVANT.

15 THE COURT: IT'S IRRELEVANT. SUSTAINED.

16 Q (BY MS. HOLLY) NOW, AS YOU TESTIFIED,
17 MEGAN SAID THAT SHE LIED IN PART BECAUSE SHE WAS AFRAID
18 THAT BECAUSE THEY WERE ALL BLACK PEOPLE, THAT THE

POLICE

19 WOULD SHOOT THEM IF THEY KNEW THEY HAD A GUN IN THE

CAR,

20 CORRECT?

21 A YES.

22 Q DID YOU SEE THE VIDEO THAT SHE POSTED OF
23 HERSELF DISCUSSING WHY SHE LIED ON INSTAGRAM LIVE ON
24 AUGUST 20, 2020?

25 A NO, MA'AM.

26 Q ARE YOU AWARE OF HER STATEMENT, QUOTE,
27 "YOU THINK I'M ABOUT TO TELL THE POLICE THAT WE NIGGAS,
28 US BLACK PEOPLE, GOT A GUN IN THE CAR? YOU WANT ME TO

1 TELL THE LAWS WE GOT A GUN IN THE CAR SO THEY CAN SHOOT
2 ALL OF US? I AIN'T TELL THE POLICE WHAT HAPPENED
3 IMMEDIATELY RIGHT THEN BECAUSE I DIDN'T WANT TO DIE."

4 ARE YOU AWARE OF THAT STATEMENT THAT SHE
5 MADE?

6 A NOT SPECIFICALLY, NO.

7 Q NOW, ONCE EVERYBODY WAS ORDERED OUT OF
THE
8 CAR BY THE POLICE, TORY, JAQUAN AND KELSEY WERE
9 HANDCUFFED AND TAKEN TO THE HOLLYWOOD POLICE DIVISION,
10 CORRECT?

11 A YES.

12 Q AND MEGAN WAS PLACED IN AN AMBULANCE
WHERE
13 SHE WAS HANDCUFFED AND ACCOMPANIED TO CEDARS SINAI BY A
14 FEMALE L.A.P.D. OFFICER?

15 A I UNDERSTAND SHE WAS TRANSPORTED TO THE
16 HOSPITAL. I AM NOT AWARE IF SHE WAS HANDCUFFED OR NOT,
17 MA'AM.

18 Q YOU HAVEN'T SEEN THE BODY CAM FOOTAGE
FROM
19 THE AMBULANCE RIDE?

20 A I HAVE SEEN A LOT OF BODY CAM FOOTAGE.
I
21 DON'T SPECIFICALLY RECALL THAT AT THIS TIME.

22 Q WERE THERE PARAMEDICS IN THE AMBULANCE?

23 A YES.

24 Q SO YOU AGREE WITH ME THAT THERE WAS NO
25 DANGER AT ALL TO MEGAN OF BEING SHOT BY THE POLICE ONCE
26 SHE WAS IN THE AMBULANCE ON THE WAY TO THE HOSPITAL?

27 A I WOULD AGREE WITH THAT, YES.

28 Q YET SHE DIDN'T TELL THE FEMALE OFFICER

OR

28

1 ANY OFFICER IN THE AMBULANCE THAT SHE HAD BEEN SHOT,
2 CORRECT?

3 A CORRECT.

4 Q WOULD YOU AGREE WITH ME THAT WHEN SHE

GOT

5 TO CEDARS, SHE WAS IN NO DANGER OF BEING SHOT BY THE
6 POLICE?

7 A I WOULD AGREE.

8 Q AND YET SHE DIDN'T TELL ANY OF THE
9 OFFICERS AT CEDARS THAT HER INJURY WAS NOT CAUSED BY
10 GLASS, CORRECT?

11 A CORRECT.

12 Q BECAUSE SHE STUCK WITH THAT STORY, ISN'T
13 IT TRUE THAT THE OFFICERS LEFT THE HOSPITAL WITHOUT
14 INTERVIEWING HER FURTHER?

15 A YES.

16 MS. TA: OBJECTION -- WITHDRAWN.

17 THE COURT: YOU MAY PROCEED.

VIDEOTAPE

18 Q (BY MS. HOLLY) DID YOU SEE HER

19 STATEMENT ON INSTAGRAM LIVE ON AUGUST 20 OF 2020, THAT

THOUGHT

20 SHE SAID THAT SHE LIED TO THE DOCTORS BECAUSE SHE

21 THE DOCTORS AT CEDARS WERE ACTUALLY THE POLICE?

22 A NO.

23 Q AS FAR AS YOU ARE AWARE, WAS THERE

24 ANYTHING ABOUT THE DOCTORS THAT MADE THEM APPEAR TO BE

25 POLICE?

26 A NOT THAT I'M AWARE OF.

SAY

27 Q DURING HER INSTAGRAM, DID YOU HEAR HER

28 "I DIDN'T TELL THE POLICE NOTHING BECAUSE I DIDN'T WANT

29

1 US TO GET IN NO MORE TROUBLE THAN WHAT WE WERE ALREADY

2 ABOUT TO GET IN"?

3 A NO, I HAVEN'T SEEN ANY OF THE INSTAGRAM.

DURING

4 Q SHE DID SAY A SIMILAR THING TO YOU

5 YOUR VIDEO TAPED INTERVIEW WITH HER?

6 A YES.

7 Q DID YOU EVER ASK HER WHY SHE WOULD SAY
8 THAT SHE MIGHT BE IN TROUBLE IF SHE HAD SIMPLY BEEN THE
9 VICTIM OF GUNSHOT WOUNDS THAT SHE CLAIMS?

10 A YES.

11 Q WHY DID SHE SAY SHE MIGHT BE IN TROUBLE?

12 A SHE EXPRESSED THAT SHE WAS TRAUMATIZED
AND
13 SCARED AND EMBARRASSED THAT THE INCIDENT HAD OCCURRED
AND
14 WAS NOT THINKING CLEARLY.

15 Q SO IS YOUR ANSWER THAT SHE SAID SHE
MIGHT
16 BE IN TROUBLE BECAUSE SHE WASN'T THINKING CLEARLY?

17 A THAT'S WHAT SHE SAID.

18 Q BY THE WAY, HAVE YOU EVER QUESTIONED HER
19 ABOUT ANY OF THE STATEMENTS THAT SHE'S MADE TO THE
MEDIA
20 OR TO SOCIAL MEDIA?

21 A NO.

22 Q IF SHE HAS MADE STATEMENTS WHICH ARE
23 INCONSISTENT WITH WHAT SHE TOLD YOU, WOULD YOU CONSIDER
24 THAT TO BE IMPORTANT?

25 A YES.

26 Q BUT YOU HAVEN'T LOOKED AT ANY OF THE
27 STATEMENTS THAT SHE'S MADE ON HER OWN SOCIAL MEDIA
28 INCLUDING ON VIDEO?

1 A NO.

2 Q ARE YOU AWARE THAT SHE WROTE ON HER
3 INSTAGRAM AUGUST 19, "I GOT HIT AT THE BACK OF MY FEET
4 BECAUSE WHEN I GOT SHOT, I WAS" -- THIS PART IS IN ALL
5 CAPS -- "WALKING AWAY FACING THE BACK."

6 WERE YOU AWARE OF THAT STATEMENT?

7 A I'M AWARE THAT THERE WERE MULTIPLE
8 STATEMENTS AND MULTIPLE VIDEOS MADE BY HER SOCIAL
MEDIA.

9 Q BUT YOU HAVEN'T SEEN ANY OF THOSE?

10 A NO, MA'AM. I CONDUCT MY INVESTIGATION
11 INDEPENDENT OF ANY SOCIAL MEDIA POSTS.

12 Q WOULD YOU AGREE WITH ME THERE ARE A
NUMBER

13 OF INCONSISTENCIES IN MEGAN'S STATEMENTS TO YOU, TO
OTHER

14 L.A.P.D. OFFICERS AND TO THE MEDIA ABOUT THE INCIDENT?

15 MS. TA: WELL, OBJECTION. CALLS FOR
SPECULATION

16 AS TO STATEMENTS TO THE MEDIA. THIS OFFICER
SPECIFICALLY

17 SAID HE DID NOT REVIEW THOSE SPECIFIC POSTS.

18 THE COURT: IF YOU KNOW. IF YOU DON'T, YOU

19 DON'T. IF YOU KNOW.

20 OVERRULED.

21 THE WITNESS: I AM ONLY AWARE OF INCONSISTENT
22 STATEMENTS MADE BETWEEN RESPONDING OFFICERS AND MYSELF.

ME

23 Q (BY MS. HOLLY) WOULD YOU AGREE WITH

24 THAT THERE'S A GREAT DEAL OF INFORMATION THAT MAY GET
25 OMITTED, STATEMENTS TO YOU ABOUT THE INCIDENTS AND THE
26 EVENTS LEADING UP TO THE INCIDENT?

27 MS. TA: OBJECTION. VAGUE.

28 THE COURT: IF YOU UNDERSTAND THE QUESTION.

31

1 OVERRULED.

MA'AM.

2 THE WITNESS: CAN YOU REPEAT THE QUESTION,

3 Q (BY MS. HOLLY) SURE.

LOT

4 WOULD YOU AGREE THAT MEGAN LEFT OUT A

5 OF INFORMATION IN PROVIDING HER STATEMENTS TO YOU ABOUT
6 THE INCIDENT AND THE EVENTS LEADING UP TO THE INCIDENT?

HAVE

7 A I DON'T KNOW WHAT SHE MAY OR MAY NOT

8 LEFT OUT.

9 Q OKAY.

EACH

10 NOW, MEGAN -- AND I'M GOING TO CALL HIM
11 TORY. IS THAT ALL RIGHT? MEGAN AND TORY FIRST SAW
12 OTHER ON JULY 12, AT KYLIE JENNER'S HOUSE, CORRECT?

13 A YES.

14 Q YOU UNDERSTOOD THAT MEGAN AND KELSEY AND
15 ANOTHER FRIEND, E.J. HAD BEEN AT MS. JENNER'S HOME
16 THROUGHOUT THE DAY?

17 A YES.

18 Q IT WAS JUST THOSE FOUR PEOPLE, RIGHT?

19 A I'M NOT SURE IF IT WAS JUST THEM FOUR.
20 BUT SHE DID TELL ME THAT THEY WERE AT THE HOUSE
21 THROUGHOUT THE DAY.

HANGING

22 Q AND SHE TOLD YOU THAT IT WASN'T A PARTY
23 AND IT WASN'T EVEN A GATHERING; JUST A FEW PEOPLE
24 OUT, RIGHT?

25 A YES.

26 Q NOW, DID MEGAN EVER TELL YOU THAT IT WAS
27 SHE WHO INVITED TORY TO THE HOUSE?

28 A NO.

SHE

1 Q IN YOUR VIDEOTAPED INTERVIEW OF HER AS
2 WAS TELLING THE STORY OF HOW TORY GOT THERE, SHE SAID,
3 QUOTE, "SO ORIGINALLY TORY WASN'T WITH US WHEN HE CAME
4 OVER."

5 DO YOU REMEMBER THAT?

6 A YES.

7 Q THEN YOU ASKED HER, "YOU AND KELSEY ARE
8 HANGING OUT AND AT SOME POINT IN THE NIGHT TORY SHOWS
9 UP?"

10 HER RESPONSE WAS, "UH-HUH."

11 DO YOU REMEMBER THAT?

12 A YES.

DIDN'T

13 Q SHE NEVER CLARIFIED TO YOU THAT HE
14 JUST SHOW UP BUT THAT SHE INVITED HIM, DID SHE?

15 A SHE DID NOT.

16 Q DID SHE EVER TELL YOU THAT SHE GAVE HIM
17 THE ADDRESS SO HE COULD COME THERE?

18 A I DID NOT KNOW.

19 Q YOU DIDN'T ASK HER EITHER, DID YOU?

20 A I DID NOT.

21 Q DID SHE TELL YOU THAT PRIOR TO TORY
22 ARRIVING, THAT THEY HAD BEEN DRINKING ALL DAY?

23 A YES.

24 Q AND THAT TORY DIDN'T ARRIVE UNTIL MUCH

25 LATER, RIGHT?

26 A YES.

THE 27 Q AND BY THE END OF THE NIGHT OR REALLY

28 EARLY MORNING, EVERYONE HAD HAD A LOT TO DRINK?

33

1 A YES.

2 Q NOW, YOU NEVER ASKED MEGAN HOW MUCH SHE
3 HAD HAD TO DRINK THAT DAY AND NIGHT, DID YOU?

4 A NOT SPECIFICALLY, NO.

YOU? 5 Q YOU NEVER ASKED HER HOW IMPAIRED OR
6 INTOXICATED SHE WAS AT THE TIME OF THE INCIDENT, DID

7 A NOT SPECIFICALLY, NO.

ALCOHOL 8 Q BUT YOU ARE AWARE OF THE FACT THAT

9 CAN IMPAIR A PERSON'S PERCEPTION, CORRECT?

10 A YES.

11 Q AND THEIR ABILITY TO RECALL, CORRECT?

12 A YES.

13 Q YOU WERE ASSIGNED THIS CASE AS THE
14 INVESTIGATING OFFICER ON JULY 14, TWO DAYS AFTER THE
15 INCIDENT, CORRECT?

16 A YES.

17 Q AND YOU HAVE YOUR FIRST TELEPHONIC
18 INTERVIEW WITH MEGAN ON JULY 16, CORRECT?

19 A CORRECT.

20 Q NOW, IN THAT INTERVIEW, SHE TOLD YOU
THAT

21 SHE AND TORY WERE ARGUING ABOUT LEAVING A PARTY AND
THAT

22 SHE WANTED TO LEAVE BUT TORY DID NOT, CORRECT?

23 A YES.

24 Q AND AS YOU JUST TESTIFIED, WHEN YOU MET
25 WITH HER IN PERSON ON NOVEMBER 12, SHE CLARIFIED TO YOU
26 THAT IT WASN'T A PARTY, RIGHT?

27 A YES.

28 Q NOW, SHE AND KELSEY AND E.J. HAD GONE TO

34

1 MS. JENNER'S HOUSE TOGETHER IN E.J.'S CAR, CORRECT?

2 A I'M NOT SURE WHOSE CAR THEY WERE IN BUT
3 THEY DID TRAVEL TOGETHER, YES.

4 MS. HOLLY: MAY I HAVE A MOMENT?

5 THE COURT: YES.

6 Q (BY MS. HOLLY) SO MEGAN, KELSEY AND
E.J.

7 HAD ALL GONE TO MS. JENNER'S HOUSE TOGETHER IN A CAR,
8 CORRECT?

9 A YES.

10 Q AND E.J. AND THE CAR WERE STILL THERE AT
11 THE TIME WHEN MEGAN WANTED TO LEAVE THE HOUSE, CORRECT?

12 A I DON'T KNOW.

13 Q WELL, SHE TOLD YOU THAT, DIDN'T SHE?

14 A I DON'T RECALL.

PERSON
15 Q YOU ASKED HER ABOUT THAT? THAT THE

16 SHE CAME WITH WAS STILL THERE, YOU ASKED HER WHY SHE
17 WANTED TO LEAVE WITH TORY; AND SHE SAID IT WAS A
18 LAST-MINUTE THING. REMEMBER THAT?

19 A SHE DID SAY IT WAS A LAST-MINUTE THING.

20 Q DID YOU ASK HER WHY SHE WAS ARGUING WITH
21 TORY ABOUT HIS NOT WANTING TO LEAVE WHEN SHE WANTED TO
22 LEAVE WHEN THE PERSON SHE CAME WITH WAS STILL THERE?

THE
23 A NO. IT DIDN'T SEEM RELEVANT TO ME AT
24 TIME.

E.J.,
25 Q SO IT DIDN'T SEEM RELEVANT TO YOU TO ASK
26 HER WHY SHE WANTED TO LEAVE WITH TORY AND NOT WITH

27 THE PERSON SHE CAME WITH?

28 A NO.

MINUTE

FOR

TO

ALL

WITH

1 Q AND SHE NEVER EXPLAINED THAT TO YOU?

2 A NO.

3 Q SHE DID TELL YOU THAT IT WAS A LAST-

4 THING THAT SHE WANTED TO LEAVE WITH TORY, RIGHT?

5 A SHE STATED THAT THEY HAD BEEN FRIENDS

6 APPROXIMATELY A YEAR, AND IT WAS NOT UNCOMMON FOR THEM

7 BE IN EACH OTHER'S COMPANY.

8 Q AND THAT HE WOULD GO OVER TO HER HOUSE

9 THE TIME, RIGHT?

10 A YES.

11 Q DID YOU EVER LEARN THAT MEGAN WAS NOT

12 TRUTHFUL TO YOU ABOUT THE NATURE OF HER RELATIONSHIP

13 TORY?

14 A NO.

15 Q AND YOU DIDN'T THINK THAT WAS IMPORTANT?

16 MS. TA: WELL, OBJECTION. MISSTATES THE

17 TESTIMONY.

18 THE COURT: SUSTAINED.

19 Q (BY MS. HOLLY) NOW, AT SOME POINT MEGAN

20 AND KELSEY GOT INTO THE ESCALADE BEING DRIVEN BY QUAN,

21 HIS BODY GUARD?

22 A YES.

23 Q AS FAR AS YOU COULD DETERMINE, QUAN HAD
24 BEEN WAITING IN THE CAR BY THE TIME TORY HAD GONE INTO
25 MS. JENNER'S HOUSE, CORRECT? IN OTHER WORDS, HE WASN'T
26 PART OF THE GATHERING. HE'S THE DRIVER SITTING IN THE
27 CAR IS YOUR UNDERSTANDING?

28 A THAT IS MY UNDERSTANDING.

36

OF 1 Q DID MEGAN EVER TELL YOU THAT AT THE END
2 THE NIGHT OR EARLY MORNING WHEN SHE WAS READY TO LEAVE,
KELSEY'S 3 THAT SHE HAD E.J. AND KELSEY TAKE ALL OF HER AND
4 BELONGINGS OUT OF E.J.'S CAR AND PUT THEM IN TORY'S
CAR, 5 THE CAR QUAN WAS DRIVING?

6 A SHE TOLD ME THAT SHE DID HAVE PERSONAL
7 ITEMS IN TORY'S CAR.

THEM 8 Q BUT SHE DIDN'T TELL YOU THAT SHE HAD
9 TAKE ALL OF HER PERSONAL ITEMS THAT HAD BEEN IN E.J.'S
10 CAR, THE CAR SHE CAME IN, TAKE THEM OUT AND PUT THEM IN

11 TORY'S CAR? SHE DIDN'T TELL YOU THAT?

12 A NO.

13 Q SHE DID TELL YOU THAT WHEN SHE WAS READY
14 TO LEAVE, THAT TORY WAS IN THE POOL WITH MS. JENNER,
15 RIGHT?

16 A YES.

17 Q SO SHE TOLD QUAN TO TAKE HER AND KELSEY
18 HOME AND GO BACK AND GET TORY, RIGHT?

19 A YES.

20 Q AND NONE OF THAT SEEMED ODD TO YOU GIVEN
21 THAT THE PERSON SHE CAME WITH AND HIS CAR WAS STILL
22 THERE?

23 A NO.

MADE

24 Q DID MEGAN TELL YOU THAT QUAN ACTUALLY
25 DROVE HER AND KELSEY AWAY FROM MS. JENNER'S AND THEY
26 IT CLOSE TO MEGAN'S HOUSE OR WHERE SHE WAS STAYING WHEN
27 MEGAN ASKED QUAN TO TAKE HER BACK TO MS. JENNER'S

HOUSE?

28 A NO.

37

1 Q SHE TOLD YOU IT WASN'T A BIG DEAL THAT
2 TORY WANTED TO STAY, RIGHT?

3 A CORRECT.

THIS

4 Q BUT SHE ALSO TOLD YOU ON JULY 16 THAT

5 WAS THE SOURCE OF THE ARGUMENT IN THE CAR THAT SHE WAS

6 READY TO LEAVE AND HE WASN'T READY TO LEAVE, RIGHT?

7 A YES.

8 Q SHE TOLD YOU THAT WHEN SHE CAME OUT TO

9 QUAN'S CAR, SHE WENT BACK IN AGAIN TO TELL TORY AGAIN

10 THAT SHE'S READY TO LEAVE. DO YOU REMEMBER THAT?

11 A I'M SORRY. I COULDN'T HEAR.

12 Q DID SHE TELL YOU THAT SHE CAME OUT, WENT

13 BACK, CAME OUT AGAIN TO TRY TO GET TORY TO LEAVE?

14 A SHE SAID THAT THERE WAS SOME BACK AND

15 FORTH TRYING TO LEAVE THE PARTY.

RIGHT?

16 Q AND THEN QUAN WENT IN TO GET TORY,

17 A YES.

18 Q AND THEN ACCORDING TO MEGAN, TORY WAS

19 UPSET WHEN HE CAME OUT TO THE CAR WITH QUAN, RIGHT?

20 A YES.

21 Q IT APPEARED TO HER THAT HE WAS UPSET

22 BECAUSE SHE WAS INSISTENT THAT THEY LEAVE, RIGHT?

23 A THAT'S WHAT SHE TOLD ME, YES.

24 Q AND SHE WAS UPSET THAT HE WASN'T LEAVING

25 WHEN SHE WANTED HIM TO LEAVE, RIGHT?

26 A THAT I DON'T KNOW, MA'AM.

27 Q WOULD YOU AGREE WITH ME THAT A WITNESS'S
28 MEMORY OF EVENTS IS CLEARER IN THEIR MINDS CLOSER TO
THE

38

1 EVENT THAN FURTHER FROM IT?

2 A USUALLY, YES.

3 Q DON'T YOU THINK A FEW HOURS AFTER THE
4 INCIDENT WHEN MEGAN WAS IN THE HOSPITAL, THAT SHE TOLD
5 OFFICERS GOMEZ AND MEJIA THAT THE VERBAL ARGUMENT IN
THE
6 CAR WAS BETWEEN SHE AND KELSEY?

7 MS. TA: OBJECTION. CALLS FOR HEARSAY.

8 MS. HOLLY: IT'S NOT OFFERED FOR THE TRUTH.

9 MS. TA: IRRELEVANT.

10 MS. HOLLY: IT'S AN IMPORTANT INCONSISTENT
11 STATEMENT.

12 THE COURT: WHAT IS THE RELEVANCE?

13 MS. HOLLY: THAT SHE SAID THAT THE ARGUMENT --
14 THIS ARGUMENT IS KEY TO WHAT HAPPENED. AND SHE HAS
TOLD

15 MANY INCONSISTENT STORIES ABOUT WHO THIS ARGUMENT --

16 THE COURT: WHAT WAS THE NATURE OF THAT
ARGUMENT?

17 MS. HOLLY: I PROMISE WE WILL GET INTO THAT.

ALTHOUGH

18 MS. TA: IT STILL DOES CALL FOR HEARSAY

19 COUNSEL IS SAYING PRIOR INCONSISTENT STATEMENT. THEY

20 STILL NEED TO BE MADE THROUGH ADMISSIBLE TESTIMONY.

21 RIGHT NOW IT'S DOUBLE LAYERS OF HEARSAY. COUNSEL IS

STATEMENTS

22 ASKING WHETHER OR NOT THIS OFFICER IS AWARE OF

23 MADE TO ANOTHER OFFICER WHEN HE WASN'T PRESENT FOR THAT

24 CONVERSATION.

25 MS. HOLLY: HE IS THE INVESTIGATING OFFICER WHO

26 PRESUMABLY HAS READ ALL OF THE REPORTS. IF MEGAN WAS

27 HERE HERSELF, THESE ARE QUESTIONS THAT WOULD BE PUT TO

28 HER. IT CERTAINLY DOESN'T SEEM FAIR TO THE PROCEEDINGS

39

1 THAT --

2 THE COURT: ONE LAYER OF HEARSAY PROP 115.

3 THAT'S A SECOND LAYER. SO THE STATEMENT, THE

EXCEPTION.

4 INCONSISTENT STATEMENT TO THE OFFICER, HEARSAY

5 SECOND LAYER, PROP 115, IS THAT CORRECT? OR --

6 MS. HOLLY: YES.

7 THE COURT: OR --

IT 8 MS. HOLLY: NO -- YES, YOU ARE CORRECT. BUT
9 IS ALSO NOT HEARSAY. IT IS A PRIOR INCONSISTENT
WERE 10 STATEMENT WHICH SHE WOULD BE CONFRONTED WITH IF SHE
11 HERE.

12 NOW IF HE SAYS HE WASN'T AWARE OF IT AS
IT 13 THE INVESTIGATING OFFICER, THEN IT IS WHAT IT IS. BUT
14 IS CENTRAL TO --

15 THE COURT: THE OBJECTION IS SUSTAINED. THERE
IS 16 NO FOUNDATION.

17 Q (BY MS. HOLLY) HAVE YOU RECEIVED ANY
18 INFORMATION AT ALL AS THE INVESTIGATING OFFICER THAT
KELSEY? 19 MEGAN SAID THAT THE ARGUMENT WAS BETWEEN HER AND

20 A MEGAN HAS ALSO STATED TO ME THAT SHE AND
21 KELSEY WERE ARGUING.

22 Q ISN'T IT TRUE THAT MR. KELLY, THE
23 INDEPENDENT WITNESS, OBSERVED A PHYSICAL FIGHT BETWEEN
24 MEGAN AND KELSEY?

25 A THAT IS WHAT HE STATED.

PHONE 26 Q NOW, WHEN YOU INTERVIEWED HER ON THE
27 ON THE 16TH OF JULY, IT WAS THEN THAT SHE CLAIMED THE
28 ARGUMENT WAS BETWEEN HER AND TORY ABOUT LEAVING THE

1 PARTY, RIGHT?

2 A YES.

NOVEMBER,
3 Q AND WHEN YOU INTERVIEWED HER IN

4 SHE SAID THAT KELSEY AND TORY WERE ARGUING, RIGHT?

5 A YES.

ON
6 Q DID YOU ASK HER ANY FOLLOWUP QUESTIONS

AND
7 ANY OF THESE STORIES ABOUT WHO WAS ARGUING WITH WHOM

8 WHY?

9 A YES.

AT
10 Q NOW -- STAY WITH ME. DID SHE TELL YOU

11 SOME POINT THAT THE ARGUMENT IN THE CAR ESCALATED WHEN

12 TORY REVEALED TO KELSEY THAT HE WAS IN AN INTIMATE

13 RELATIONSHIP WITH MEGAN?

14 A I DID NOT -- I'M NOT AWARE OF THAT.

15 Q YOU DON'T REMEMBER THAT FROM YOUR

16 INTERVIEW WHERE SHE SAYS THAT?

17 A THAT TORY AND MEGAN WERE IN AN INTIMATE

18 RELATIONSHIP?

19 Q THAT TORY SAID THAT IN THE CAR, AND THAT

20 THAT IS WHAT ESCALATED THE ARGUMENT?

21 A NO.
22 Q YOU DON'T REMEMBER THAT?
23 A NO.
24 Q DO YOU REMEMBER HER SAYING THAT TORY
25 BRINGING THAT UP CREATED -- AND THIS IS HER ON THE
26 VIDEOTAPED INTERVIEW -- DRAMA BECAUSE KELSEY KNEW MEGAN
27 HAD A ROMANTIC INTEREST IN TORY?
28 A THAT KELSEY HAD SOME AFFECTION FOR THE

41

1 DEFENDANT.

2 Q DO YOU REMEMBER MEGAN SAYING TO YOU IN
3 YOUR VIDEOTAPED INTERVIEW THAT KELSEY SAID THAT NIGHT

IN

4 THE CAR THIS WASN'T THE FIRST TIME THAT MEGAN, SHE SAID
5 ON THE VIDEO, BACK-DOORED HER WITH A GUY? DO YOU
6 REMEMBER THAT?

7 A YES.

8 Q DID ANY OF THAT SHED ANY LIGHT FOR YOU

AS

9 TO WHY MEGAN WAS UPSET THAT TORY WASN'T LEAVING THE

PARTY

10 OR THE GATHERING OR THE HANGOUT AT MS. JENNER'S HOUSE?

11 A NO.

12 Q NOW, MEGAN TOLD YOU THAT DURING THIS
13 ARGUMENT IN THE CAR, WHICH WAS EITHER BETWEEN HER AND
14 KELSEY OR TORY AND KELSEY OR TORY AND HER, THAT SHE GOT
15 OUT OF THE CAR ON SUNSET BOULEVARD AND SAT ON A BUS
STOP,
16 RIGHT?

17 A YES.

18 Q AND SHE WAS WEARING A BIKINI AT THAT
TIME,
19 RIGHT?

20 A I BELIEVE SO.

21 Q AND IT WAS 4:30 IN THE MORNING, CORRECT?

22 A YES.

23 Q DID YOU ASK HER HOW LONG SHE SAT AT THE
24 BUS STOP ON SUNSET BOULEVARD IN HER BIKINI AT 4:30 IN
THE
25 MORNING?

26 A FROM MY UNDERSTANDING, IT WAS A BRIEF
27 TIME, MA'AM. NOT SURE OF THE EXACT AMOUNT BUT A BRIEF
28 TIME.

42

THE 1 Q AND SHE TOLD YOU THAT WHILE SHE WAS AT

SHE

2 BUS STOP, SHE CALLED HER MANAGER AND SHE SAID, QUOTE,

TO

3 SAID TO THE MANAGER, "COME GET ME BECAUSE I DON'T WANT

4 BE IN THE CAR WHEN THEY ARE DOING ALL THIS ARGUING,"

5 RIGHT?

6 A YES.

7 Q AGAIN SHE WAS SAYING THAT THEY ARE

WAS

8 ARGUING, EVEN THOUGH SHE HAD PREVIOUSLY SAID THAT SHE

9 PART OF THE ARGUMENT, RIGHT?

10 A YES.

11 Q AT SOME POINT TORY, WITH QUAN DRIVING,

CAR

12 CAME BACK AND GOT HER AND GOT HER TO GET BACK IN THE

13 FROM THE BUS STOP, RIGHT?

14 A YES.

15 Q AND THEN SHE TOLD YOU THAT SHE AND TORY

THE

16 STARTED ARGUING ABOUT THEIR MUSIC CAREERS AND WHO WAS

17 BEST RAPPER, SOMETHING LIKE THAT?

18 A SOMETHING TO THAT EFFECT, YES.

19 Q WHEN THE CAR WAS ON NICHOLS CANYON ROAD,

20 SHE WANTED TO GET OUT OF THE CAR AGAIN, RIGHT?

21 A YES.

22 Q YOU HAVE BEEN TO THAT LOCATION, YES?

23 A YES.

24 Q IT'S VERY DARK, ISN'T IT?

25 A YES, IT IS.
26 Q AND A VERY NARROW CANYON STREET?
27 A YES.
28 Q RESIDENTIAL?

43

VICINITY?
1 A YES.
2 Q JUST A FEW HOUSES IN THE GENERAL
3 A YES.
4 Q AND ONE OF THOSE HOUSES IS MR. KELLY'S,
5 CORRECT?
6 A YES.
7 Q AND HIS BALCONY IS JUST OVER THE AREA
8 WHERE THE INCIDENT OCCURRED, CORRECT?
9 A YES.
10 Q HE TOLD YOU THAT HE WAS AWAKENED BY THE
11 SOUND OF ARGUING, AND HE WENT OUT TO HIS BALCONY TO SEE
12 WHAT WAS GOING ON, RIGHT?
13 A YES.
14 Q AND L.A.P.D. OFFICERS SPOKE TO HIM IN
15 PERSON SHORTLY AFTER THE INCIDENT, CORRECT?
16 A YES.

AT

17 Q AND HE SAID THAT IT APPEARED TO HIM THAT
18 THE MUZZLE FLASH WAS CLOSEST TO THE NON-VICTIM FEMALE
19 THE TIME OF THE SHOOTING, CORRECT?

20 A YES.

FRONT

21 Q HE ALSO INDICATED THAT HE SAW THE FEMALE
22 PASSENGER IN THE BACK OF THE CAR GET OUT, OPEN THE
23 PASSENGER DOOR WHERE THE OTHER FEMALE PASSENGER WAS AND
24 THAT THEY STARTED FIGHTING AND KICKING ONE ANOTHER,
25 RIGHT?

26 A YES.

27 Q AND L.A.P.D. OFFICERS SPOKE WITH HIM IN
28 PERSON SHORTLY AFTER THE INCIDENT, RIGHT?

44

1 A YES.

2 Q AND YOU SPOKE WITH HIM ON THE PHONE ON
3 JULY 16, RIGHT?

4 A YES.

PERSON?

5 Q DID YOU EVER GO SPEAK WITH HIM IN

WITH

6 A I ATTEMPTED BUT I WAS UNABLE TO MEET

7 HIM IN PERSON.

YOU

8 Q SO YOU DID THINK IT WAS IMPORTANT FOR

9 AS THE INVESTIGATING OFFICER TO SPEAK WITH THE ONLY
10 INDEPENDENT WITNESS TO THE INCIDENT?

11 A YES.

12 Q WOULD IT SURPRISE YOU TO HEAR THAT MR.
13 KELLY FELT THAT DURING YOUR TELEPHONIC INTERVIEW WITH
14 HIM, THAT IT FELT TO HIM LIKE NOTHING HE HAD TO SAY WAS
15 IMPORTANT TO YOU?

16 A THAT WOULDN'T SURPRISE ME.

CAR

17 Q ACCORDING TO MEGAN, SHE GOT OUT OF THE
18 FOR THE SECOND TIME AND STARTED WALKING AWAY FROM IT,
19 RIGHT?

20 A YES.

21 Q SHE SAID THAT SHE, AS SHE WAS WALKING
22 AWAY, SHE HEARD TORY SAY, "DANCE, BITCH," RIGHT?

23 A YES.

24 Q NOW, OTHER THAN MEGAN, WAS THERE ANYONE
25 ELSE THAT SAID THEY HEARD THIS?

26 A NO.

27 Q BECAUSE THOUGH MR. KELLY WAS THE ONLY
28 EYEWITNESS IN THE NEIGHBORHOOD, THERE WERE A NUMBER OF

1 EAR WITNESSES, RIGHT?

2 A YES.

3 Q AND OFFICERS SPOKE WITH SEVERAL OF THOSE
4 EAR WITNESSES, CORRECT?

5 A YES.

6 Q AND MANY OF THEM HEARD AN ARGUMENT,
7 CORRECT?

8 A YES.

9 Q AND MANY OF THEM HEARD GUNSHOTS?

10 A YES.

11 Q AND ACTUALLY SOME OF THAT IS RECORDED ON
12 THEIR RINGS OR SECURITY SYSTEMS, RIGHT?

13 A CORRECT.

14 Q BUT NO ONE HEARD "DANCE, BITCH" EXCEPT
15 MEGAN, CORRECT?

16 A YES.

17 Q SHE TOLD YOU, MEGAN TOLD YOU IN YOUR
18 IN-PERSON INTERVIEW THAT SHE SAW TORY PULL HIS GUN,
19 RIGHT?

20 A SHE STATED THAT SHE SAW HIM POINT A GUN
21 HER.

22 Q BUT SHE ALSO SAID THAT SHE SAW HIM PULL

23 HIS GUN. DO YOU REMEMBER HER SAYING THAT?

24 A SOMETHING TO THAT EFFECT, YES.

25 Q SHE ALSO SAID THAT SHE WAS 25 FEET AWAY,

26 CORRECT?

27 A APPROXIMATELY.

28 Q FACING AWAY FROM HIM, CORRECT?

46

1 A YES.

2 Q IN THE DARK?

3 A YES.

4 Q WHEN HE WAS AT LEAST PARTIALLY,
ACCORDING

5 TO HER, INSIDE THE CAR, RIGHT?

6 A YES.

7 Q DID SHE SAY WHERE HE PULLED IT FROM?

8 A NO.

9 Q SHE TOLD YOU HE WAS STANDING OVER THE
DOOR

10 WHEN HE SHOT?

11 A YES.

12 Q HE'S IN THE BACK SEAT OF THE CAR?

13 A YES.

14 Q BEHIND THE DRIVER WHEN MEGAN GOT OUT OF

15 THE CAR, RIGHT?

16 A CORRECT.

17 Q DID SHE SAY HE SHOT OVER THE WINDOW FROM
18 THE BACK SEAT BEHIND THE DRIVER?

19 A NO, FROM THE PASSENGER SIDE.

20 Q SO WHEN SHE GETS OUT OF THE CAR, HE'S IN
21 THE REAR DRIVER'S SIDE, CORRECT?

22 A CORRECT.

23 Q YET SHE SEES HIM ON THE, FROM INSIDE THE
24 CAR IN THE REAR PASSENGER SIDE; IS THAT RIGHT?

25 A CORRECT.

CAR
26 Q NOW, EXCEPT FOR QUAN, EVERYONE IN THE
27 WHEN THEY ARE STOPPED BY THE POLICE ARE WEARING
28 SWIMSUITS, CORRECT?

47

1 A YES.

FEW
IS
2 Q SO BASED ON WHAT THEY WERE WEARING, A
3 MINUTES LATER AFTER THEY WERE ORDERED OUT OF THE CAR,
4 IT FAIR TO SAY THERE WAS NOTHING ON THEIR PERSON TO
5 CONCEAL?

6 A WEAPONS CAN BE CONCEALED IN A LOT OF
7 PLACES, MA'AM. I COULDN'T SAY WHETHER THEY COULD OR
8 COULD NOT OR WHAT THEY WERE PARTICULARLY WEARING.

IS

9 Q YOU DID SEE THE BODY CAM VIDEO WHEN HE
10 ORDERED OUT OF THE CAR, HE IS WEARING SWIM TRUNKS?

11 A YES.

THE

12 Q MEGAN TOLD YOU THAT SHE HAD NEVER SEEN A
13 GUN IN THE CAR OR ON THE PERSON OF ANYONE WHO WAS IN
14 CAR, CORRECT?

15 A CORRECT.

HE

16 Q AND SHE ALSO TOLD YOU THAT TORY SEEMED
17 SHOCKED AFTER THE SHOT, LIKE HE COULDN'T BELIEVE THAT
18 SHOT HER, CORRECT?

19 A YES.

20 Q AND BOTH TORY AND KELSEY GOT OUT OF THE
21 CAR AND CAME TO HER AID, RIGHT?

22 A YES.

CORRECT?

23 Q AND SHE TOLD YOU THAT TORY SAID, "PLEASE
24 DON'T TELL ANYBODY. I'M ALREADY ON PROBATION."

25 A YES.

26 Q BUT HE WASN'T ON PROBATION, WAS HE?

27 A NOT THAT I COULD FIND, NO.

28 Q DID YOU FORM ANY OPINION ABOUT THE

1 TRUTHFULNESS OF MEGAN SAYING THAT TORY WOULD SAY HE WAS
2 ON PROBATION WHEN HE WASN'T ON PROBATION?

PROBATION,
3 A I COULD NOT SEE THAT HE WAS ON
4 MA'AM.

ON
5 Q BUT DID YOU FORM ANY OPINION ABOUT HER
6 SAYING THAT HE SAID SOMETHING LIKE THAT WHEN HE WASN'T
7 PROBATION?

8 A IT WAS INCONSISTENT.

9 Q DID YOU BELIEVE EVERYTHING THAT SHE TOLD
10 YOU?

11 MS. TA: OBJECTION. RELEVANCE.

12 THE COURT: OVERRULED.

13 THE WITNESS: . . .

DIFFICULT
14 I BELIEVE IN MY EXPERIENCE IT'S
15 TO BELIEVE EVERYTHING THAT ANY VICTIM OR SUSPECT SAYS
16 COMPLETELY 100 PERCENT.

17 Q (BY MS. HOLLY) FAIR ENOUGH.

THIS
18 WE ESTABLISHED THAT YOU WERE ASSIGNED

19 CASE TWO DAYS AFTER THE INCIDENT, CORRECT?

20 A YES.

21 Q WHEN YOU GOT THE FILE, I'M ASSUMING YOU

SCENE

22 READ THE REPORT OF OFFICERS LIND AND CABRAL ON THE

23 SHORTLY AFTER THE INCIDENT?

24 A YES.

TOLD

25 Q SO YOU WERE AWARE THAT MR. KELLY HAD

26 THEM THAT HE SAW TWO FEMALES PHYSICALLY FIGHTING,

27 CORRECT?

28 A YES.

49

1 Q AND YOU WERE ALSO AWARE THAT THE REPORT

2 SAYS THAT THEIR INVESTIGATION REVEALED A PHYSICAL

3 ALTERCATION BETWEEN HARRIS AND PETERSON OCCURRED AND

4 UNKNOWN SUSPECT FIRED APPROXIMATELY FIVE ROUNDS?

5 A YES.

6 Q WHY DID YOU EXCLUDE ALL OF THAT

INSTEAD

7 INFORMATION FROM YOUR FIRST REPORT ON JULY 16 AND

8 WRITE THAT TORY AND MEGAN WERE INVOLVED IN A VERBAL

9 ARGUMENT?

HER

10 A MY REPORT IS IN REFERENCE TO MY
11 INVESTIGATION THAT I CONDUCTED WHICH INCLUDED THE
12 INTERVIEW THAT I CONDUCTED WITH MEGAN WHICH THAT WAS
13 STATEMENT.

MR.

14 Q WHY DIDN'T YOU INCLUDE ANYTHING ABOUT
15 KELLY'S OBSERVATIONS IN YOUR FIRST REPORT?

16 A THE PHONE CALL THAT I HAD WITH MR. KELLY
17 IS ANNOTATED IN THE REPORT.

18 Q IN THE FIRST REPORT?

TIME

19 A WHENEVER I SPOKE TO HIM WAS THE ONLY
20 THAT I SPOKE TO HIM ON THE PHONE IS IN THAT REPORT.

21 Q WELL, IN YOUR FIRST REPORT OF JULY 16,
22 2020, AND I BELIEVE THAT'S THE DATE IN WHICH YOU SPOKE
23 WITH HIM, I DON'T BELIEVE YOU MENTION ANYTHING ABOUT

WHAT

24 MR. KELLY OBSERVED.

25 A I DISAGREE.

26 Q OKAY.

27 DID YOU HAVE AN OPPORTUNITY TO WATCH THE
28 BODYCAM FOOTAGE OF THE OFFICERS ATTEMPTING TO INTERVIEW

1 MR. PETERSON AT THE JAIL?

2 A YES.

3 Q AND SO YOU HEARD HIM SAY, "I WAS JUST
4 TRYING TO PROTECT MY GIRL"?

5 MS. TA: I WILL OBJECT AS TO DOUBLE HEARSAY AT
6 THIS POINT.

7 THE COURT: OBJECT TO WHAT?

8 MS. TA: OBJECTION. HEARSAY.

9 THE COURT: OVERRULED. PROP 115.

10 THE WITNESS: I DON'T SPECIFICALLY REMEMBER
THAT
11 STATEMENT, MA'AM.

12 Q (BY MS. HOLLY) DID YOU SEE THE BODY CAM
13 FOOTAGE OF HIS ARREST WHERE SHE SAYS HE WAS TRYING TO
GET
14 HIS GIRL TO SAFETY?

15 A I SAW A LOT OF BODY CAM VIDEO.

16 Q DID YOU HEAR HIM SAY THAT?

17 A I DON'T RECALL THAT SPECIFIC STATEMENT.

18 Q DID YOU HEAR HIM SAY, "I WAS JUST TRYING
19 TO HELP MY GIRLFRIEND"?

20 A I DON'T RECALL, MA'AM.

21 Q DID YOU HEAR HIM SAY "I WAS JUST TRYING
TO
22 HELP MY SHORTY"?

23 A NO, MA'AM. I DON'T RECALL.

IN

24 Q THAT'S WHY NONE OF THOSE STATEMENTS ARE
25 ANY OF YOUR REPORTS BECAUSE YOU DON'T RECALL HIM SAYING
26 THOSE THINGS?

WOULD

27 A THAT WOULD HAVE BEEN SOMETHING THAT
28 BE ANNOTATED IN THE RESPONDING OFFICER'S REPORT IF IT

WAS

51

1 RELEVANT.

2 Q THERE'S GUNSHOT RESIDUE ON TORY'S AND
3 KELSEY'S HANDS, CORRECT?

4 A ACCORDING TO THE REPORT, YES.

ARE

5 Q YOU HAVE LEARNED THAT KELSEY AND MEGAN
6 `NO LONGER FRIENDS, CORRECT?

7 A YES.

8 Q UP TO THIS NIGHT, THEY HAD BEEN CLOSE
9 FRIENDS FOR MORE THAN SEVEN YEARS, RIGHT?

10 A YES.

MEGAN'S

11 Q AND SHE ALSO, KELSEY ALSO HAD BEEN
12 ASSISTANT, CORRECT?

13 A YES.

MY

14 Q YET THEY STOPPED THEIR FRIENDSHIP
15 IMMEDIATELY FOLLOWING THIS INCIDENT, RIGHT?

16 A I'M NOT AWARE OF EXACTLY WHEN BUT FROM
17 UNDERSTANDING, SOMETIME AROUND THERE, YES.

18 Q NOW THE BULLET FRAGMENTS WHICH WERE
19 ALLEGEDLY REMOVED FROM MEGAN'S ANKLES, THEY CAN'T BE
20 LOCATED, CORRECT?

21 A CORRECT.

22 Q AND YOU INDICATED THAT YOU REVIEWED THE
23 MEDICAL REPORTS FROM CEDARS OR AT LEAST SOME OF THEM?

24 A YES.

25 Q DID YOU READ THE REPORT THAT CALL THE
26 FINDINGS SUPERFICIAL INJURIES?

27 A YES.

28 MS. HOLLY: NOTHING FURTHER.

52

1 THE COURT: MS. TA.

2 MS. TA: THANK YOU.

3

4 REDIRECT EXAMINATION

5 BY MS. TA:

6 Q NOW, GUNSHOT RESIDUE WHEN IT RETURNS
7 POSITIVE, IS IT INDICATIVE NECESSARILY OF A SHOOTER OR
8 ARE THERE REASONS GUNSHOT RESIDUE MAY APPEAR ON
SOMEONE?

9 MS. HOLLY: OBJECTION. CALLS FOR SPECULATION.
10 LACK OF FOUNDATION.

11 THE COURT: FOUNDATION, SUSTAINED.
12 ASK ANOTHER QUESTION.

13 Q (BY MS. TA) ARE YOU FAMILIAR WITH WHAT
14 GUNSHOT RESIDUE IS?

15 A YES.

16 Q HOW ARE YOU FAMILIAR WITH IT?

17 A SPEAKING TO CRIMINOLOGISTS AND ANALYSTS
18 AND ALSO REVIEWING AND READING MULTIPLE GUNSHOT RESIDUE
19 REPORTS WHERE IT ANNOTATES THEIR FINDINGS.

20 Q THE FINDINGS DEFENSE HAD ASKED YOU
ABOUT,
21 THERE IS SPECIFIC VERBIAGE IN THE FINDINGS THAT
DISCUSSES
22 WAYS IN WHICH GUNSHOT RESIDUE CAN BE FOUND ON A PERSON;
23 IS THAT CORRECT?

24 A YES.

25 Q CAN IT BE FOUND IN OTHER WAYS BESIDES
26 DISCHARGING A FIREARM?

27 MS. HOLLY: OBJECTION. CALLS FOR SPECULATION.
28 LACK OF FOUNDATION.

1 THE COURT: OVERRULED.

REPORTS,

2 THE WITNESS: ACCORDING TO THE ANALYSTS'

VICINITY

3 IT CAN ALSO BE TRANSFERRED FROM TOUCH OR IN THE

4 OF A GUN BEING FIRED.

5 Q (BY MS. TA) TO BE CLEAR, SOMEONE SIMPLY

6 IN THE VICINITY WHERE A GUNSHOT IS FIRED, THEY COULD

7 RETURN POSITIVE FOR GUNSHOT RESIDUE, CORRECT?

8 A YES.

IT

9 Q BASED ON MEGAN'S STATEMENT TO YOU, DOES

VICINITY

10 APPEAR FROM HER STATEMENT THAT KELSEY WAS IN THE

FIRED

11 OF THE SHOTS BEING FIRED AT THE TIME THE DEFENDANT

12 THAT WEAPON?

13 MS. HOLLY: OBJECTION. ASSUMES FACTS NOT IN

14 EVIDENCE. HE INDICATED MEGAN DIDN'T KNOW WHERE SHE WAS

15 AT THE TIME THAT THE SHOTS WERE FIRED. THAT SHE WAS

16 FOCUSED ON WHAT TORY WAS DOING.

17 THE COURT: SUSTAINED.

18 Q (BY MS. TA) WHAT DO YOU RECALL MEGAN SAY

19 WHERE KELSEY WAS LOCATED AT THE TIME THE DEFENDANT

FIRED

20 THE GUN?

21 MS. HOLLY: OBJECTION. CALLS FOR SPECULATION.

22 HE INDICATED THAT SHE DID NOT --

23 THE COURT: OVERRULED.

24 THE WITNESS: THE LAST PLACE MEGAN OBSERVED

THE

25 KELSEY SEATED WAS ON THE REAR PASSENGER SEAT WHICH IS

26 SAME LOCATION WHERE SHE OBSERVED TORY SHOOTING AT HER

27 FROM.

28 Q (BY MS. TA) LET ME CLARIFY. WHEN YOU

54

1 SPOKE WITH MEGAN, DID SHE SAY THAT SHE ACTUALLY SAW THE
2 DEFENDANT ON THE REAR PASSENGER SIDE OR JUST SIMPLY SHE
3 RECALLED HIM BEING ON THE PASSENGER SIDE OF THE VEHICLE
4 AT THE TIME HE SHOT THE GUN?

5 A SHE WAS CERTAIN OF THE PASSENGER SIDE OF
6 THE VEHICLE.

7 Q WITH RESPECT TO THE STATEMENTS MADE BY
8 SEAN KELLY, WAS SEAN KELLY ABLE TO IDENTIFY ANYONE AS A
9 PART OF THIS INCIDENT?

10 A NO.

11 Q COULD HE DESCRIBE ANYTHING ABOUT THE
12 INDIVIDUALS INVOLVED?

13 A HE COULD DESCRIBE -- HE SAW A MALE, TWO
14 MALES AND TWO FEMALES.

15 Q WHEN HE SPOKE TO YOU ABOUT THESE TWO
16 FEMALES AND THESE MALES, DID HE INDICATE THAT THERE WAS
17 ONE THAT APPEARED TO BE BEATEN BY THE OTHERS?

18 A YES.

19 Q WHAT EXACTLY DID HE SAY ABOUT THAT?

20 A HE BELIEVED THAT THEY WERE TRYING TO
KILL
21 HER. IT LOOKED TO HIM TO BE A SEVERE BEATING.

22 Q WHEN HE SAID SEVERE BEATING, DID HE
23 INDICATE WHO WAS PERPETRATING THE BEATING UPON WHOM?

24 A HE HAD MENTIONED THAT IT WAS THE TWO
MALES
25 BEATING THE FEMALE ON THE GROUND.

26 Q TO BE CLEAR, HE INDICATED THERE WERE
FOUR
27 INDIVIDUALS. HE COULDN'T IDENTIFY ANY OF THEM?

28 A CORRECT.

55

1 Q ONE INDIVIDUAL IS BEATEN UP BY THE OTHER

2 THREE?

3 A CORRECT.

4 Q THAT WAS HIS RECOLLECTION?

5 A YES.

6 Q THIS WAS, AS YOU SAID, A DARK ALLEYWAY,
7 CORRECT?

8 A A DARK STREET, YES.

9 Q WHEN HE HEARD YELLING OR CURSING, COULD
HE

10 RECALL ANYTHING ABOUT WHAT WAS BEING SAID?

11 A NOT SPECIFICALLY.

12 Q COULD HE RECALL ANYTHING ABOUT WHO FIRED
13 THE GUN?

14 A HE, IN HIS STATEMENT TO ME, HE OBSERVED
15 THE MUZZLE FLASHES BUT HE COULD NOT SPECIFICALLY
16 DETERMINE WHO WAS FIRING THE GUN.

17 Q NOW, MS. HOLLY ASKED YOU ABOUT WHETHER
OR

18 NOT YOU BELIEVED MEGAN'S STATEMENT. DID YOU BELIEVE
19 MEGAN WHEN SHE INDICATED TO YOU SHE SAW THE DEFENDANT
20 SHOOT HER?

21 A YES.

22 Q HOW WAS HER DEMEANOR AT THE TIME SHE
23 TALKED ABOUT THE SHOOTING?

24 A WHEN SHE SPOKE TO ME, SHE WAS SINCERE
AND

25 VISIBLY DISTRAUGHT REGARDING THE INCIDENT.

26 Q WAS SHE CRYING AT ALL?
27 A SHE WAS CRYING.
28 Q MS. HOLLY MENTIONED SOCIAL MEDIA CONTENT

56

THE 1 THAT THE VICTIM MAY HAVE POSTED REGARDING HER FEAR OF
2 POLICE SHOOTING HER. IS THAT CONSISTENT OR
INCONSISTENT

3 WITH WHAT SHE TOLD YOU?

4 A IT'S CONSISTENT WITH WHAT SHE TOLD ME.

5 Q ASIDE FROM HER FEAR OF POLICE ON THAT
6 NIGHT WHAT THEY COULD DO TO THE PARTIES IF THEY FOUND
OUT

7 THERE WAS A WEAPON IN THE VEHICLE, DID SHE INDICATE
8 REASONS FOR WHY SHE WAS NOT INITIALLY TRUTHFUL TO THE
9 OFFICERS?

10 A YES.

11 Q WHAT WERE THE OTHER REASONS?

12 A THAT SHE WAS TRAUMATIZED AND SCARED; AND
13 DUE TO HER CELEBRITY STATUS, SHE WAS EMBARRASSED
14 REGARDING BEING INVOLVED IN AN INCIDENT LIKE THIS.

15 Q THE OTHER NEIGHBORS THAT WERE
INTERVIEWED,

16 WHEN THEY HEARD YELLING OR CURSING, DID ANY OF THEM
17 INDICATE WHETHER THEY HEARD ANY OF THE SPECIFIC WORDS
18 BEING SAID?

19 A NO SPECIFIC WORDS.

TREATED
20 Q WHEN YOU SPOKE TO DR. LITTLE, WHO

INJURIES
21 MEGAN ON THAT NIGHT, DID HE INDICATE TO YOU HER

22 WERE CAUSED BY BROKEN GLASS OR GUNSHOTS?

23 A HE STATED THAT IT WAS GUNSHOT WOUNDS AND
24 BULLET FRAGMENTS THAT WERE REMOVED FROM HER FEET.

TYPE
25 Q DID HE ACTUALLY HAVE TO PERFORM SOME

INJURIES?
26 OF SURGICAL PROCEDURE ON MEGAN TO TREAT HER FOR

27 A YES.

28 Q WAS THAT SURGICAL PROCEDURE MEANT TO

57

1 REMOVE ALL THE BULLET FRAGMENTS OR SOME OF THE BULLET
2 FRAGMENTS FROM HER FEET?

DUE
3 A MY UNDERSTANDING, THE PURPOSE WAS TO
4 REMOVE ALL OF THE FRAGMENTS FROM HER FEET. HOWEVER,

5 TO THE PLACEMENT OF SOME OF THE FRAGMENTS, HE WAS

UNABLE

6 TO REMOVE ALL OF THEM.

7 Q MS. HOLLY ASKED YOU ABOUT STATEMENTS THE
8 DEFENDANT MADE TO OTHER OFFICERS ON THE BODY WORN
VIDEO.

9 YOUR REPORT INDICATED THAT THE DEFENDANT INVOKED HIS
10 RIGHTS SO THAT HE DID NOT HAVE TO SPEAK TO THE POLICE;
IS

11 THAT CORRECT?

12 A YES.

13 Q IS THAT, IN FACT, WHAT HAPPENED?

14 A YES.

15 Q ON THE PHONE CALL BETWEEN THE DEFENDANT
16 AND KELSEY, AT ANY POINT IS KELSEY MAKING STATEMENTS
17 ABOUT HAVING ASSAULTED OR SHOOTING MEGAN?

18 A NO.

19 Q IS KELSEY MAKING ANY APOLOGIES ABOUT
20 HAVING DONE ANYTHING WRONG TO MEGAN?

21 A NO.

22 Q IN FACT, IT WAS KELSEY THAT WAS WAITING
AT
23 THE HOSPITAL WITH MEGAN WHEN SHE WAS GETTING TREATED
24 DURING THAT PHONE CALL?

25 A YES.

26 Q WHEN THE DEFENDANT IS APOLOGIZING, IS HE
27 APOLOGIZING ABOUT WHAT HAD OCCURRED ON THAT NIGHT?

28 MS. HOLLY: OBJECTION. CALLS FOR SPECULATION.

1 THE COURT: OVERRULED.

2 THE WITNESS: YES.

3 Q (BY MS. TA) IS HE APOLOGIZING
4 SPECIFICALLY FOR HAVING DONE SOMETHING BECAUSE HE
5 BELIEVED HE WAS TOO DRUNK?

6 MS. HOLLY: OBJECTION. CALLS FOR SPECULATION
7 AS TO WHAT HE IS APOLOGIZING FOR.

8 THE COURT: OVERRULED.

9 THE WITNESS: YES.

10 THE DEFENDANT: HOW CAN YOU SAY WHAT I'M
11 APOLOGIZING FOR? THAT DOESN'T MAKE NO FUCKING SENSE.

12 MS. HOLLY: QUIET. QUIET. QUIET.

13 MS. TA: IF I CAN HAVE A MOMENT, YOUR HONOR.

14 Q (BY MS. TA) IS THE DEFENDANT IN THIS
JAIL
15 CALL SPECIFICALLY SAYING, "I'M DEEPLY SORRY. I NEVER
16 EVEN MOVE LIKE THAT. I NEVER EVEN MOVE LIKE THAT. SO
I
17 FEEL CRAZY, BUT I MADE A MISTAKE. WHAT HAPPENED
HAPPENED
18 ALREADY. I CAN'T TAKE IT BACK. I'M JUST TELLING
Y'ALL,

19 I'M SORRY. LIKE I THINK I WAS JUST TOO DRUNK.

20 IS THAT WHAT HE SAYS IN HIS JAIL CALL?

21 A YES.

22 MS. TA: THANK YOU. NOTHING FURTHER.

23 THE COURT: MS. HOLLY.

24 MS. HOLLY: THANK YOU.

25

26 RE-CROSS-EXAMINATION

27 BY MS. HOLLY:

28 Q DOES HE SAY ANYTHING IN THE JAIL CALL

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1 ABOUT SHOOTING?

2 A NO, MA'AM.

3 Q YOU INDICATED THAT MR. KELLY COULDN'T

4 IDENTIFY ANYONE BUT HE IDENTIFIED PEOPLE BY THEIR SIZE,

5 CORRECT?

6 A YES.

7 Q AND HE SAID THAT ONE OF THE MEN WAS BIG

8 AND THE OTHER MAN WAS SMALL, CORRECT?

9 A YES.

10 Q OKAY. SO HE WAS ABLE TO DESCRIBE THE

WAY

11 THE PEOPLE LOOKED. HE JUST DOESN'T KNOW WHO THEY ARE,
12 CORRECT?

13 A CORRECT.

14 MS. HOLLY: I HAVE NOTHING FURTHER.

15 THE COURT: MS. TA.

16 MS. TA: NOTHING FURTHER OF THIS WITNESS.

17 THE COURT: DETECTIVE, YOU MAY STEP DOWN.

THANK

18 YOU.

19 THE COURT: ANY ADDITIONAL WITNESSES?

20 MS. TA: NO.

21 THERE IS A MOTION TO MOVE PEOPLE'S 1

INTO

22 EVIDENCE. I DON'T THINK THE COURT IS ACCEPTING IT FOR
23 REFERENCE ONLY; IS THAT CORRECT?

24 THE COURT: I WILL ADMIT THIS ONE. PEOPLE'S 1

25 ADMITTED INTO EVIDENCE. IF YOU COULD TRANSFER IT TO

THE

26 COURT CLERK. PEOPLE'S 1 IS ADMITTED.

27 PEOPLE REST?

28 MS. TA: PEOPLE REST.

60

1 THE COURT: MOTIONS, MS. HOLLY?

2 MS. HOLLY: JUST A MOTION TO DISMISS FOR
3 INSUFFICIENCY OF THE EVIDENCE, YOUR HONOR.

4 ALSO, OFFICER CABRAL CAN BE EXCUSED.

MR.

5 THE COURT: THE MOTION TO DISMISS IS DENIED.

6 PETERSON, I AM HOLDING YOU TO ANSWER IN COUNT 1 FOR
7 FELONY VIOLATION OF PENAL CODE SECTION 245(B), ASSAULT
8 WITH A FIREARM. AS WELL AS COUNT 2, A FELONY VIOLATION
9 OF PENAL CODE SECTION 25400, POSSESSION OF A CONCEALED
10 FIREARM IN A VEHICLE OR ON ONE'S PERSON. I AM ALSO
11 FINDING SUFFICIENT CAUSE TO BELIEVE THAT THE SPECIAL
12 ALLEGATIONS IN COUNT 1 ARE TRUE, PERSONAL USE OF A
13 FIREARM UNDER PENAL CODE SECTION 12022.7, SUBDIVISION
A,
14 AS WELL AS -- OH, THAT'S 12022.5, SUBDIVISION A AND B;
15 AND FOR INFLICTION OF GREAT BODILY INJURY UNDER
16 12022.7(A).

17 THIS MATTER IS TRANSFERRED TO DEPARTMENT
18 132 FOR TRIAL. YOU ARE ORDERED TO APPEAR IN DEPARTMENT
19 132 TWO WEEKS FROM TODAY. DECEMBER 27.

20 MS. HOLLY: CAN WE ASK FOR A DIFFERENT DAY? I
21 WON'T BE IN TOWN THAT DAY.

22 THE COURT: ALL RIGHT.

23 MS. HOLLY: CAN WE WAIVE TIME?

24 THE COURT: YES.

25 MR. PETERSON, YOU HAVE A RIGHT TO FORCE

26 THE PEOPLE TO FILE THE INFORMATION IN THIS CASE WITHIN
27 THE NEXT 15 DAYS IN THE TRIAL COURTROOM; AND YOU ALSO
28 HAVE AN ADDITIONAL RIGHT TO BE ARRAIGNED AT THE
EARLIEST

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1 POSSIBLE TIME THEREAFTER.

2 DO YOU UNDERSTAND YOU HAVE BOTH OF THOSE
3 RIGHTS, MR. PETERSON?

4 THE DEFENDANT: YES. I UNDERSTAND THAT, SIR.

5 THE COURT: DO YOU GIVE UP BOTH OF THOSE
RIGHTS?

6 THE DEFENDANT: YES, YOUR HONOR.

7 THE COURT: WHAT DATE, MS. HOLLY?

8 MS. HOLLY: I WILL BE IN THE BUILDING ON
9 JANUARY 13 IF THAT'S A GOOD DAY FOR MS. TA.

10 MS. TA: THAT'S A GOOD DAY.

11 THE COURT: JANUARY 13, 2022, DEPARTMENT 132,
12 WITH A TIME WAIVER.

13 YOU ARE ORDERED TO APPEAR AT 8:30 A.M.
ON

14 THAT DATE, MR. PETERSON. DEPARTMENT 132. AND BAIL TO
15 STAND.

16 (END OF PROCEEDINGS)

