

"EXHIBIT A"

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

CONVERSATION RECORDED ON JULY 4, 2006, AT 049 ON CHANNEL 12

EOC: Communications.

FEMALE: Hi. I have a neighbor who – it sounds like he's shooting a gun at his house.

EOC: Okay. Where?

FEMALE: 251 Cabell Heights Road. I would like my call to be anonymous, because he's threatened me with a gun several times, and another neighbor.

EOC: Okay.

FEMALE: I just need somebody to come up here and drive by.

EOC: Okay. Ma'am, I just need to get some information. When you turn off of Wickham, where's his residence at; did you say 251?

FEMALE: 251 Cabell Heights Road.

EOC: Okay. Can you give me some directions, ma'am; hello.

FEMALE: If you're coming from – where are you coming from?

EOC: Okay. I'm going to try to bring 'em off of Wickham Road. You turn left there onto Cabell Heights Road, you come up the hill?

FEMALE: Correct. It's at Primrose Lane and Cabell Heights Road, he's right on the corner there a white house.

EOC: You said it was a white house?

FEMALE: Yes.

EOC: Do you know his name?

FEMALE: Yes. His name is Rob Webb.

EOC: Do you know what kind of gun he has, is it a pistol, a shotgun, do you know?

FEMALE: It sounds like it might be some kind of pistol, but I don't know, it doesn't sound like a shotgun.

EOC: And he's outside?

COPY

RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU

FEMALE: Yes. He's blaring music.

EOC: I know you don't want to leave your name, but can I have a call back number just incase I need to call you back?

FEMALE: (unclear) 254-8531. But I don't want him knowing I'm calling, because he's threatened me with a gun.

EOC: Ma'am, I don't even have your name. Okay. But we'll send someone out. Okay.

FEMALE: Thank you.

EOC: Thank you.

EOC: 113 Control – 113 Control – negative contact. 103 Control – 103 Control.

LT. Joe Williams

103: I answered it, go ahead.

EOC: I didn't get anything but a click. I have reports of shots fired Cabell Heights Road. I have a Rob Webb that is supposed to be outside of his own residence shooting towards his residence with a pistol.

103: Dispatch one of the units there. Did you get anything back on that one?

EOC: Negative. 113-Control – negative contact with 113 at 053. 140-control.

HAYASH

140: 140.

EOC: We're still checking on that alarm. Did you copy the call at Cabell Heights Road, we have a Rob Webb outside of his own house shooting towards his house?

140: 10-4. 136 he's on off-duty, control advise he's heading that way also?

EOC: Copy – 136 is heading towards Cabell Heights also?

140: 10-4.

KADE

136: Control I'll be in route with 140.

Jim Baker

113: Control-113.

EOC: 113.

113: I apologize, I was out here with 141 had my radio off.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: Copy. The other units are taking that call at Cabell Heights Road. I've got another call at 129 Giles Court in Glen Daniel. There's supposed to be a Roger and a Tommy Henderson fighting outside the residence.

Back 113: 10-4. Keep me advised of the situation there.

EOC: Copy. The caller advises that both subjects are known to carry a gun, although they have not saw a gun.

Back 113: 10-4.

KAC 136: Control-136. Control-for the time being go ahead and log me on-duty for the county, please. Control-136.

EOC: 136.

136: Control-did you advise this was a handgun?

EOC: They advised – the caller advised it was possibly a pistol and he was supposed to be shooting at his house.

136: Control-can you find out if there's anyone in the house, and get us a description on the male.

EOC: Copy-standby. (telephone ringing)

FEMALE: Hello.

ECO: Ma'am, I'm calling you back from the Sheriff's Department, you called in that guy that was shooting at his house, is he still outside shooting?

FEMALE: He's still outside.

EOC: Do what?

FEMALE: He's still outside.

EOC: Can you give me a description on him, is he a white male and can you tell me what he's wearing?

FEMALE: I'm not outside, I'm not that close.

EOC: Okay. Do you know him well enough to give me a description, is he a white male?

FEMALE: He's a white male, very long hair --

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: With long hair.

FEMALE: -- past his waist. He usually wears a cap, he usually has tee-shirt and jeans on.

EOC: Okay. Is he still outside and is he still shooting?

FEMALE: He hasn't shot for a little while, but he's still out there.

EOC: Okay. Hold on just a second for me, ma'am.

FEMALE: Okay.

EOC: 136-control. Caller is advising the Webb subject is a white male, has long hair, usually wearing a cap, but she can't give a clothing description at this time. Advised he is still outside, but he has not shot for a while.

136: Did she advise, does he have any family in the house that you know of?

EOC: Do you know if there's anybody in the house over there ma'am?

FEMALE: Oh, I'm sure his wife and kids are over there.

EOC: He does have a wife and kids?

FEMALE: Yeah.

EOC: Do you know how many kids?

FEMALE: He has two kids.

EOC: She's advising the male subject does have a wife and two kids, she cannot advise for sure if they are inside the residence.

136: 10-4 -- what was that numerical again?

EOC: Its 251 -- it's at the corner of Primrose Lane and Cabell Heights Road, it's a white house. Okay. Ma'am, I appreciate it.

FEMALE: Okay.

EOC: Do you know about how far out that is off of Cabell Heights Road; when you turn onto Cabell Heights?

FEMALE: If you're coming from Wickham, it's probably two blocks, approximately.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: She said it's probably about two blocks. Okay. Do you know if there's any vehicles?

FEMALE: He has like a pickup truck, extended cab. It's a Chevy.

EOC: Do you know what color it is?

FEMALE: It's blue.

EOC: Advise, there should be a blue Chevy pickup truck extended cab at the house. Ma'am, can you tell me if it's on the left or the right?

FEMALE: It sits right on Cabell Heights Road on the left.

EOC: Okay. All right. I think they have just turned on Cabell Heights Road. If you see or hear anything else – is that shots I hear?

FEMALE: No.

EOC: Okay. If you see or hear anything else can you call me back on 911, because I've got two officers there on Cabell Heights Road?

FEMALE: Okay.

EOC: Okay.

FEMALE: Thank you.

EOC: Thank you, bye, bye.

136: Go ahead.

EOC: The caller is advising the Webb subject is a white male, has long hair, usually wearing a cap, but she can't give a clothing description at this time. Advise he is still outside, but he has not shot for a while.

136: Did she advise – does he have any family in the house that you know of?

ECO: She's advising the male subject does have a wife and two kids, she cannot advise for such if they are inside the residence.

136: 10-4. What was that numerical again?

EOC: Its 251 – it's at the corner of Primrose Lane and Cabell Heights Road, it's a white house.

RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU

136: KALE 140-are you familiar with that?

140: HAYASH Negative. Control, how far is that going to be on Cabell Heights?

EOC: She says it's probably about two blocks.

140: HAYASH 10-4. Is it going to be on the left or the right?

EOC: There should be a blue Chevy pickup truck, extended cab at the house.

140: 10-4. 136 and myself is turning on Cabell Heights?

136: Let's shut it down a little bit before that and just walk in.

140: Control-140.

EOC: 140.

140: Is this residence going to be on the left or the right, the numerical again?

EOC: The numerical is 251- standby. 140-the house should be on the right as you're coming off of Old Eccles Road.

140: 10-4. Control-where is this house going to be at in relation to Circle Tree Drive?

EOC: As you're coming off of Old Eccles Road it's going to be past Circle Tree Drive on the right, right at the intersection with Primrose Lane. If you're past Primrose Lane you've gone too far.

140: 10-4. Control-140.

EOC: 140.

140: The complainant, asked them if it's the house where all the music is coming from?

EOC: Copy. (telephone ringing)

FEMALE: Hello.

EOC: Ma'am, I'm sorry, I'm calling you back from the Sheriff's Department.

FEMALE: Uh-huh (yes).

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: Can you advise for the officer if that's the house where all the music is coming from?

FEMALE: Yes, it is.

EOC: Copy. 140-Control she advises affirmative. The deputy must be there in the area.

FEMALE: Okay. I seen him walk out in the road.

EOC: Do what?

FEMALE: Mr. Webb, he's walked out in the road a couple of times.

EOC: Do you know where he's at right now?

FEMALE: Well, I believe he's in his driveway, but I can't see what he's doing over there, because there's shrubbery.

EOC: Okay. So you can't really tell me exactly where he's at right now?

FEMALE: But I've seen him walk out in the road a couple of times on Primrose and then walk back to his driveway.

EOC: Okay. If you don't mind, can you stay on here with me for just a minute?

FEMALE: Okay. I need to move to another room, because I'm on cordless.

EOC: Okay.

FEMALE: He only does stuff like this when he's drunk, high or something.

EOC: Yeah. Okay. I think we've got about three officers that's right there in the area.

FEMALE: I'm here by myself 90% of the time, my husband works on the road and, you know, he does stuff like this all the time.

EOC: Yeah. Okay.

FEMALE: You know, I've had trouble with him for two years, he's the reason I have a fence around my yard, because he drives on my yard with his four-wheeler and his vehicles. He's threatened me numerous times with a gun, because I tell him to stay off my property.

EOC: Oh. Okay.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

FEMALE: I don't know what he's doing out there.

EOC: All right. Are you at a point where you can see if the officers are over there; I mean, I don't want you to go to any window that's going to put yourself in any danger or anything. I didn't know if you can see 'em pull up or not.

FEMALE: I don't see any car lights or anything.

EOC: Okay.

FEMALE: And his music is still blaring so apparently they're not over there yet.

EOC: Okay. All right. I was concerned if there was anyone else in the house.

FEMALE: Well, nobody stands up to this guy --

EOC: Okay.

FEMALE: -- because he threatens them with a .9mm gun he has over there. I mean, I seem to be the only person that will stand up to him, you know, I'm here by myself.

EOC: Right, I understand. I understand. Okay, ma'am, I let you get off of here I think they're out there and I appreciate your information.

FEMALE: Okay. Thank you.

EOC: 244.

244: Log me off duty.

EOC: Copy. 140-control she advises affirmative.

140: 10-4 (unclear) about 30 seconds. - 113 to 140.

113: 113.

140: Just want to know if you're in route up this way?

113: Negative, I've got a call at Glen Daniels.

140: Oh, my God, shots fired send EMS -- suspects down.

EOC: Copy.

RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU

140: Please.

EOC: Copy, we're getting 'em in route.

140: Our cruisers are parked at the beginning of Cabell --

EOC: Copy -- where the cruisers are parked?

136: No, tell 'em to come down the road, just come on down it, we'll be looking for 'em, we parked at the mouth of the road. Send EMS now.

EOC: We've got 'em in route.

lt williams 103: Are ya'll okay?

YAB 136: 10-4 we're fine. He got out an AK-47 -- he drew down on us with it.

103: Secure the scene I'll be there.

EOC: Raleigh Control-pager 614-pager-614 need you to respond 251 Cabell Heights Road, Cabell Heights. Have a possible gunshot victim. Canine-465 at 1:13.

614: 614.

EOC: 614.

614: Can you give me a location at Cabell Heights, please?

EOC: Affirmative. If you come down Harper Park Drive and turn right you're past Sunny Acres. Are you familiar?

614: Harper Road.

EOC: You go off Harper Road, turn down Harper Park Drive. I need you to step it up. Communications.

141: Hey, what road is Greg and them on?

EOC: Cabell Heights Road.

141: Cabell Heights Road?

EOC: Yeah.

141: All right. I'm heading that way.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: Who is this, Bircham?

141: This is Bircham.

EOC: All right. Okay. Bye.

614: 614 is in route.

EOC: Copy, I'm trying to find you another second unit.

136: Control-136, do you have an ETA for EMS?

EOC: They're coming from town, coming from town, we'll get an ETA for you. We told them to expedite.

136: 10-4 -10-4

244: 244 control.

EOC: 244.

244: Do you need us to respond?

MALE: (unclear)

244: 10-4.

EOC: 614-control.

614: Go ahead.

EOC: 645 - correction, 614 they're wanting to know your ETA?

614: (unclear) eight.

EOC: Copy-eight minutes?

614: (unclear)

EOC: Copy, eight minutes ETA - you did copy, you need to step it up. Raleigh pager 645 -645 respond to 251 Cabell Heights Road at Cabell Heights. I have a male gunshot victim on ground, have one unit responding, need a second unit. Canine 465 at 1:15. EMS is in route they're advising about 6 to 8 minutes, we've got to in route and we told 'em to expedite. Raleigh

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

Control-645-645 second tone, need you to respond 251 Cabell Heights Road have a male gunshot victim down, need a second unit, second tone, 116.

645: 645.

EOC: 645.

645: We're responding, what was the location?

EOC: 251 Cabell Heights Road – 251 Cabell Heights Road.

645: Can you give me a location on that, ma'am?

EOC: Which way are you going to be coming?

645: We're going to be on Rural Acres.

EOC: 645 you can come down Harper Park Drive up by Harper Road, turn right on Wickam Road and then make a left past Sunny Acres onto Cabell Heights Road, also law enforcement, so you need to step it up.

645: You say you've got another unit responding also?

EOC: I've got 614 responding, but I needed a second unit.

136: 136 to 103.

103: Go ahead.

136: You're going to let 101 --

103: I'm taking care of that as I drive, secure the scene.

141: Which house are ya'll at?

136: On down the road just a distance.

141: I'm here by your cruiser are ya'll on down by the main road?

140: Both of us are in the middle of the road with a flashlight, you'll see me.

141: 10-4. Are ya'll on the main road – Cabell Heights Road?

140: You'll see me.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

141: Control-I'm out down here with 'em.

EOC: Copy.

614: 614.

EOC: 614.

614: Can you give me the address again on Cabell Height Road?

EOC: 614 -it's 251 Cabell Heights Road, it's at the intersection of Primrose Lane and Cabell Heights. You'll see all the police cruisers.

614: I'm on scene.

EOC: You're on scene at 1:21 – I've got back-up coming from Rural Acres.

103: 136-103.

136: Go ahead.

103: I'm on Cabell Heights Road, we're you at down there.

136: Keep coming down Cabell Heights and you'll see us on the side of the road. We parked up top and we walked a ways down in here.

103: Okay. I'm passing Harper Park Drive, is that correct or what?

136: We came in off of Old Eccles – I don't know, I didn't come in that side.

103: You say you came in off of Old Eccles, did you turn left or did you turn right back towards Mabscott?

EOC: 103-if you're on Harper Park Drive, turn right – turn right onto Wickham Road.

103: 10-4.

EOC: If you're in Cabell Heights you'll turn off to your left off of Wickham.

103: Its actually Cabell Heights Road then, right?

EOC: Affirmative, turn onto Cabell Heights Road off of Wickham Road.

103: Okay. Control-103.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: 103.

103: I've been trying to get a hold of 101-call him and see if you can get him up.

EOC: Copy.

HQ: Sheriff's Office, Michelle speaking.

EOC: Hey, Michelle, you haven't been trying to get a hold of Steve have you?

HQ: Huh-uh, I really don't know, I just know what you told me is all I know

EOC: I just wanted to check before I tried.

HQ: Do you have his home number?

EOC: Have you got it handy?

HQ: 255-6776.

EOC: 6776?

HQ: Uh-huh (yes).

EOC: Okay. Thanks.

HQ: Thanks.

EOC: Bye.

EOC: Communications.

103: You know who I'm talking about the new 101.

EOC: Yeah, oh, yeah, don't want to bother Bill.

103: He'll have a heart attack.

EOC: He'll say, do what, I don't care. Did she try at all; no, hadn't tried at all. She hadn't got a chance. She didn't know what was going on. I'll try.

103: Okay.

EOC: So, you're out there now?

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

103: I see 'em. Bye.

EOC: Okay. Bye. (telephone ringing)

103: Control-103.

EOC: 103.

103: Control-I'm out.

EOC: (telephone ringing) Copy.

FEMALE: You have reached Steve and Donna, we can't come to the phone but leave your name and number and we'll call you later.

EOC: This is Sharon calling from the 911 Center from EOC trying to reach Captain Tanner. I've had a shooting in the county tonight I need you to call us back at 911 or 255-9121. Thank you. It's now 1:26. Thank you.

103: Control-103.

EOC: 103.

103: I'm out

EOC: Copy.

645: 645-we're on the scene.

EOC: Copy 645-at 0126. (Telephone ringing – you have reached the Sprint voicemail box of 304 237-6074. To leave a voice message press one or just wait for the tone) This is Raleigh County EOC calling trying to get a hold of Captain Tanner. When you get this we need you to give us a call back, there's been a shooting in the county they need you to respond out. Call us back on 911 or 255-9121. The time now is 1:27. Thank you.

612: 612.

EOC: 612.

612: 612 is on the scene with 614 and 645.

EOC: 103-control.

103: Go ahead.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: Be advised I'm unable to make contact with 101. I left a message on the home message and on the cell phone.

103: Okay. Thank you. Control-103.

EOC: 103.

103: I assume you've already done it, but go ahead and start getting the times and everything together for me.

EOC: Copy, we've got 'em together.

130: Control-130.

EOC: 130 go ahead.

130: On duty.

EOC: Copy.

103: 113 to 103.

113: 113 go ahead.

EOC: Communications.

130: Hey, this is Canaday.

EOC: Uh-huh (yes).

130: Where do I need to go?

EOC: Cabell Heights Road, are you familiar?

130: Yeah, as a matter of fact I'm right here.

EOC: Okay. It's almost to the intersection with -- did you come off of Old Eccles or Wickham Roadway?

130: I'm on I guess Wickham right now.

EOC: And you know how to get to Cabell Heights there?

130: Yeah, I know where --

EOC: 100.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

100: Where's this at off of Wickham Road.

EOC: Off of Wickham Road, you'll need to turn onto Cabell Heights Road and go down towards Old Eccles Road. It's going to be on your left just past Primrose Lane. Did you copy that?

130: Yeah, I just passed him. We're both coming up I guess by the old cabinet place down here, that's where I passed him at. I turned right on the --

EOC: If you're on Wickham Road turned onto Cabell Heights Road. Are you familiar with Cherry Tree Drive?

130: Yeah. He passed me so he needs to turn around and take a right.

EOC: 100 I believe you'll need to take a right. He said Crescent Road.

130: Yeah, but he passed me, that's just his closest. I'm out with 'em up here.

EOC: Are you out?

130: Yeah.

EOC: Okay. All right. Thanks.

130: Thanks.

EOC: Bye. Bye.

113: 103-113.

100 Control-100.

EOC: 100.

100: Okay. Where's this at off of Wickham Road?

EOC: Off of Wickham Road you'll need to turn onto Cabell Heights Road, go down toward Old Eccles Road. It's going to be on your left just past Primrose Lane.

100: From the intersection at the end of Crescent Road at the bottom of the hill at the underpass, I don't know if that's Cabell Road or not, do you make a right or a left?

EOC: 100 I believe you'll need to take a right.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

100: 10-4.

EOC: Communications.

123: Hey, it's Lilly --

EOC: Yeah.

123: --hey, go ahead and show me in route to the scene there with Kade.

EOC: Okay.

123: And I'll get directions when I get near you.

EOC: All right.

123: All right, thank you.

EOC: All right, I appreciate it.

100: Control-I've done passed Sunny Acres in addition, is it up in Sunny Acres?

EOC: 100-it's actually going to be on Cabell Heights Road. Are you familiar with Cabell Heights Road?

100: 10-4.

EOC: Copy. You'll need to turn onto Cabell Heights Road there off of Wickham Road, it's going to be just past Cherry Tree Drive intersection, if you're familiar with that.

100: 10-4.

113: 100-113.

100: Go ahead.

113: Sheriff, it's about halfway up Cabell Heights Road, actually it's on Primrose Lane. It will be on your left coming your way.

100: 10-4.

EOC: Communications.

123: Hey, this is Canaday.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: Uh-huh (yes).

123: I forgot to tell you and I'm away from the radio, I'm out.

EOC: Yeah, you told me I marked you.

123: Did I?

EOC: Yeah.

123: Thanks.

EOC: All right. Bye-bye.

123: 113.

113: 113.

123: Did I copy right, you'll off of Cabell Heights Road, I believe you said Primrose?

113: Yeah. Just come up Cabell Heights there and come in from Old Eccles which ever way, you're right in the middle of it.

123: Okay.

101: 103-101.

103: Go ahead.

101: Give me a location.

103: Okay. If you'll turn up the road beside of Pasquale's, come to the end of the road, Wickham Road, turn right, go up to Cabell Heights Road, turn left and you'll turn -- from up there you'll see the lights.

EOC: Communications.

101: This is Tanner.

EOC: Uh-huh (yes).

101: Where are the guys, Joe's directions turn right, turn right aren't exactly working.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: Are you familiar with Harper Park there and turning on Wickham Road, or you can access it off of Old Eccles also which everyone is closer --

101: (unclear) I know Harper Park.

EOC: Okay. Off of Harper Park turn to your right on Wickham Road.

101: Okay.

EOC: And then it will be a left turn down onto Cabell Heights Road.

101: Okay. So they're on Cabell Heights off Wickham?

EOC: Yes. And they're about halfway down there.

101: Thank you, I appreciate it.

EOC: Okay. Bye-bye. Communications.

103: This is 103, who called this in out here?

EOC: It was -- I believe she wanted to be anonymous, it was a neighbor.

103: It can't be anonymous, can't be anonymous.

EOC: Well, I don't know her name, I've got a phone number for her.

103: You've got a phone number?

EOC: Yeah.

103: Give me a phone number. Write this down guys. Hold, hold, hold, I've drop my pen somewhere. I'm going to try to free up here and we'll start taking those calls.

EOC: We're trying to call people back.

103: Give the phone number.

EOC: 254--

103: 254.

EOC: 8531.

103: 8531.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: Yeah.

103: Okay. Do you have any idea where she lives at all or who it is?

EOC: Let me see, I don't - hold on a minute let me see if I can find out it come up, just a second for me. We're not really sure how it come in, she didn't call in on 911, she called in on administration line.

103: Administration line.

EOC: Yeah.

103: All right, we'll find her.

EOC: All right. Bye.

103: Bye. Control-103.

EOC: 103.

103: I forgot to ask you on the phone, just secure that tape of the call, part of the complainant call and everything.

EOC: Copy.

136: Control-136.

EOC: 136.

136: Cleared the scene, I'm going out to headquarters.

EOC: Copy, the time now is 3:10.

140: Control-140, same traffic.

EOC: Copy-140.

EOC: Communications.

101: Hey, this is Tanner.

EOC: Yeah.

101: Wendell?

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: Yeah.

101: Okay. Wendell, have you got Mabscott or one of the fire departments with some material to soak up on the shooting call. Are they on their way to my scene?

EOC: No, I was waiting on a confirmation from you.

101: I need them up here post-hast.

EOC: Okay.

101: We're trying to clear the scene and we need to get this -- we've got a great deal of --

EOC: On lookers.

101: -- matter --

EOC: Oh, matter.

101: -- that needs to be taken care of and we need some kind of absorbent material we can put down and then hose, and it will go a lot quicker. We need them to post-hast on it.

EOC: All right.

101: We were waiting on 'em, we weren't aware that you were waiting on us to ask for it, get 'em in route.

EOC: Yeah, we'll do that.

101: Thank you.

EOC: All right, bye-bye. Raleigh Control-station 113, station 113. Need a unit to respond to Cabell Heights Road, area 251 Cabell Heights Road with some absorbent material. Communication 113, need you to respond to 251 Cabell Heights Road in Cabell Heights with some absorbent material. Law enforcement on scene at 3:28.

113: Control-113.

EOC: 113.

113: (unclear)

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: Copy at 3:29. If you give me a public service I'll give you some more details.

113: 10-4.

101: Raleigh Control-101.

EOC: 101.

101: Control-I'm clear from the scene I'm going to be in route to the office.

EOC: Copy -101 at 3:30.

113: Control-113.

EOC: 113.

113: Control-I'll be clear from Primrose Lane, but I'll be out at the office. I'll be 51 for a little bit.

EOC: Copy at 3:32.

113: Control-113.

EOC: 113.

113: 24-in route.

EOC: Copy at 3:37.

113: (unclear) 113 and engine 24 on scene.

EOC: Copy at 3:41.

123: 123 and 130 have cleared the scene and up to headquarters.

EOC: Copy.

113: 113.

EOC: 113.

113: 113 unit is clear, return to the station.

EOC: Copy-clear at 4:03. 113-control.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

113: Go ahead control.

EOC: 113-I have a request that you return, there's still some substances in the driveway there.

113: 10-4 - we'll take a look at it.

EOC: Copy.

EOC: Communications.

BJORK: Yes, I'm Brian Bjork, Medical Examiner.

EOC: Uh-huh (yes).

BJORK: Uh, Cabell Heights, what time was it called in - the shooting occurred?

EOC: It was called in - the call was called 0051.

BJORK: Okay. What was the call originally?

EOC: It was a man shooting at his own house.

BJORK: Okay. Who called that one in?

EOC: It was anonymous.

BJORK: Okay. So that was at 0051.

EOC: Yes.

BJORK: The officers reported on scene at what time?

EOC: At 009.

BJORK: 00--

EOC: 9 - advised shots fired and man down at 012. Can you hold on just a second for me?

BJORK: Sure.

EOC: Okay. Sorry about that, go ahead.

BJORK: 0051 they were on at 1:09 and advised man down shots fired at 1:12.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

EOC: Yeah. Not at 1:09 at 009 – I'm sorry, I'm sorry, you're right.

BJORK: Okay. Because that would be backwards.

EOC: Yeah, I know, I'm sorry.

BJORK: So the initial call was anonymous that he was shooting up in the air.

EOC: Shooting at his own house, yeah.

BJORK: Okay. All right. I'm catching that EMS was dispatched at 1:13?

EOC: Yes.

BJORK: Okay. All right, that should do it.

EOC: Okay.

BJORK: Thank you very much.

EOC: Uh-huh (yes). Bye-bye.

"EXHIBIT B"

IN THE CIRCUIT COURT OF RALEIGH COUNTY

MARY WEBB, individually, and in her
capacity as Administratrix of the
Estate of Robert A. Webb,

Plaintiffs,

v.

Civil Action No. 08-C-406-H

RALEIGH COUNTY SHERIFF'S DEPARTMENT;
RALEIGH COUNTY COMMISSION; SHERIFF DANNY
MOORE, individually, and in his official capacity;
CHIEF DEPUTY STEVE TANNER, individually, and in
his official capacity; DEPUTY GREG S. KADE, individually,
and in his official capacity; and DEPUTY JOHN E. HAJASH,
individually, and in his official capacity

Defendants.

AFFIDAVIT OF JOHN HAJASH

STATE OF WEST VIRGINIA

COUNTY OF MERCER, TO WIT:

The undersigned, being first duly sworn, deposes and says that he was a Deputy Sheriff with the Raleigh County Sheriff's Department for approximately four (4) years, from November, 2003, through October, 2007; that he attended the West Virginia State Police Academy from May, 2004, through August, 2004, where he received instruction, education and training on the proper use of force to be applied by a police officer; that while he was on duty on July 4, 2006, he received a radio message from the dispatcher/911 operator, during the late evening hours, reporting that shots had been fired at or near a residence located on Primrose Lane, near Beckley, Raleigh County, West Virginia; that when he received the radio message, he was conversing with Deputy Kade and Deputy Kade agreed to accompany the undersigned to

investigate the 911 call reporting shots fired; that, based on the information and directions from the dispatcher, the undersigned parked the police cruiser approximately two to three blocks away from Primrose Lane; that he and Deputy Kade then proceeded toward the residence on Primrose Lane on foot; that he and Deputy Kade made the tactical decision to investigate via foot instead of driving the police cruiser to the residence which would be obviously noticed by the suspect that had been firing the weapon, and the police cruiser could possibly become a target; that as he and Deputy Kade approached the suspect's residence, the undersigned could see, from his view on the opposite side of the truck, that the suspect was walking behind a pick-up truck, and from the truck to the garage; that he and Deputy Kade continued to approach the suspect and heard music playing very loudly, which they believed was coming from the stereo of the aforementioned truck; that when he and Deputy Kade were approximately twenty to thirty feet from the truck, the music stopped; that Deputy Kade approached the rear of the pick-up truck and the undersigned was following behind Deputy Kade at a distance of a few feet; that when Deputy Kade was approximately behind the driver's side of the pick-up truck he announced either, "Sheriff's Department" or, "Police" and "let me see your hands"; that when Deputy Kade made the announcement, the suspect was leaning inside the truck; that when the suspect heard the announcement, he turned around and was holding an object near his waist; that immediately thereafter the suspect then raised a rifle to his shoulder and pointed it at Deputy Kade; that he and Deputy Kade were able to see the suspect and his weapon because there was a street light on the garage located approximately ten to twenty feet in front of the truck where the suspect was standing; that Deputy Kade,

acting in self defense, fired his weapon at the suspect; that the suspect stumbled while waving the rifle and that the undersigned immediately fired his weapon at the suspect; that the suspect then went to the ground and was rolling around, making quick movements, as if the suspect was going to fire his weapon; that he could not see the suspect's hands, so he fired another shot at the suspect and the suspect's hands became visible; that after the suspect fell to the ground, he and Deputy Kade saw the distinctive AK47 rifle that the suspect had dropped; that there were several spent rifle casings lying around the driveway which appeared to be casings from the bullets fired from the AK47 rifle which the suspect had brandished; that when he determined that the suspect was holding a rifle, he believed that the situation presented was extremely dangerous and severe; that he feared for the safety of himself and Deputy Kade when the suspect raised the rifle; and that he acted in self defense in firing at the suspect.

Given under my hand this 22nd day of May, 2009.


John Hajash

STATE OF WEST VIRGINIA,

COUNTY OF RALEIGH, TO-WIT:

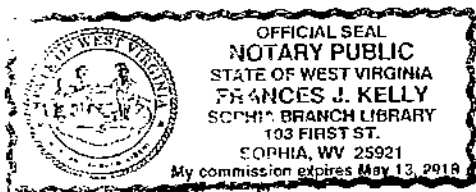
I, Francis J. Kelly, a Notary Public in and for the County and State aforesaid, do hereby certify that John Hajash, who signed the foregoing and affidavit bearing date the 22nd day of May, 2009, has this day acknowledged the same before me in my said County.

Given under my hand and seal this 22nd day of May, 2009.

Frances J. Kelly

Notary Public

(NOTARIAL SEAL)



"EXHIBIT C"

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

STATEMENT OF DEPUTY J. E. HAJASH

PRESENT: This is Detective Canady with the Raleigh County Sheriff's Department I'm present with Sgt. Lilly and Deputy Hajash.

REF: We're going to be speaking about an officer involved shooting that occurred in early morning hours of July 4th. It's Sheriff Department number 2006-29168. I have spoken to Deputy Hajash the day of the shooting, sort of an informal interview to try to get a grasp on what went on there. This is going to be Deputy Hajash's formal statement, and that he understands this statement is recorded.

CANADAY: I'm going to let you speak now Deputy Hajash and just take me through the scene, and we'll start at the time that you were talking to Deputy Kade at his off-duty job.

HAJASH: I was up on Harper Road at the new hotel site, near the Country Inns and Suite talking to Deputy Kade, he was working off-duty security there since they're still working on it. A shot – or a call went out of a man shooting a handgun at his own residence, that's what the call was, the 911. They advised Lt. Williams of that call and every unit was busy on other calls, so I was the one that got dispatched to that. Deputy Kade said he couldn't let me go in there by myself so he said he was going to log off duty for that and log on regular duty and go with me to back me up. We loaded up from there and we left down Harper Road, we took the Interstate and got off of the MacArthur exit down 16 up old Eccles Road. Once we got to Cabell Heights, because that's where it was, they said it was on Cabell Heights, Primrose Lane Intersection. We weren't familiar – is it Primrose?

CANADAY: Yeah, It's Primrose.

HAJASH: We weren't familiar with Primrose lane, so we parked at the intersection of Old Eccles Road and Cabell Heights Road, because they said it was two blocks in. We parked at the first house on the left in their driveway, and Deputy Kade got his shotgun and I got my pistol – that's the only weapons we had with us – and he has his pistol. We went down the road looking for this residence it was quiet, didn't hear nothing. We got probably about 3 or 4 or 2 or 3 or something like that, just a couple of houses down from the house that ended up being the subject's house that was on the shooting. We could hear real loud music just blaring as loud as you could imagine. Then we got to the house right next door – well, first I asked EOC to call the complainant and asked 'em if that was the house we was going to and they confirmed that was the house. We got to the house next door, there's this big pine tree in the front yard and right as we was standing there Deputy Kade said there he was behind the house so we took cover just in

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

case he did see us, which apparently he did not, because it was a little dark and he was under a street light – the subject was. We observed him going from the garage to his vehicle and back and forth a couple of times, so we started walking. Once we got in front of the house the music just cut off, just a dead standstill, no noise whatsoever. As we was passing the house I looked up through the yard in between the house and the row of hedges that he had or shrubbery and you could see him standing on the driver side of his vehicle – I'm looking from the passenger side. The passenger door was shut I could not see what his hands were doing, but he was standing outside the vehicle on the driver side with the driver's side door open. We then went up Primrose Lane – that's where his driveway was, right off Primrose.

CANADAY: Primrose.

HAJASH: Primrose – I can't remember what it was. So we walked up that way and Deputy Kade was just a couple of feet in front of me. Deputy Kade had his shotgun in an up ready position, I had my pistol out – we didn't know if the suspect was still armed or not. Once we got there Deputy Kade was where he could get full visual of the subject and I was just a couple of feet behind him, like I said. And Deputy announced our presence, he said "police let's see your hands". The subject turned around and he had his hand stuck out like he was holding something, which I couldn't see at that time, and then when he went and raised his hand it appeared to be a rifle, because I was looking for a pistol but it appeared to be a rifle, and that is when Deputy Kade and I fired our shots.

CANADAY: Deputy Kade, how many shots did he fire?

HAJASH: He fired one with his .12 gauge shotgun.

CANADAY: Okay. How many rounds did you fire?

HAJASH: I fired two while he was still standing and then once he fell and hit the ground he started rolling over in a fast motion and I could not see his hands, it was like he was going to shoot again, as we were trained to do I shot one more time until I seen his hands. Deputy Kade told me that he was unarmed to quit shooting.

CANADAY: Okay. So basically what you're saying is you fired two shots in pretty close succession and then a third shot. The third shot there wasn't a large amount of time between your second and third shot was it; I mean, you weren't talking 10 or 15 seconds are you?

HAJASH: I'll say the max 2 seconds.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

CANADAY: Okay. And you said that you fired your third shot again because when he went down you couldn't see his hands and you still felt that he was a threat because of his movement and you couldn't see his hands?

HAJASH: It was like he was rolling over to shoot under the vehicle and I could not see his hands.

CANADAY: Is that what you thought he was going to do?

HAJASH: Yes, sir.

CANADAY: Okay. After you all disengaged what did you do?

HAJASH: We then approached the subject and realized that his firearm was at his feet and he could not reach it, and he appeared to already be deceased and that's when I radioed for 911, shots fired send an ambulance up here for his care. We secured the scene, I cleared out the garage and Deputy was watching the immediate area to make sure nobody came around behind us.

CANADAY: Was he -- whenever you all engaged him the first time, I understand there was no music, but was he inside the cab of his truck?

HAJASH: No, he was standing outside of it and he was facing in the cab, and when he turned around he turned around to his left. Do you understand that?

CANADAY: That would be -- it seemed like he would turn to his right.

HAJASH: As I recall it he turned to his left.

CANADAY: So he would have turned all the way around?

HAJASH: He turned a long ways away around.

CANADAY: So he turned the wrong way -- he was facing his truck and he actually did more like almost a 360 rather than just turn and face you all directly?

HAJASH: That's the way I recall it, yes.

CANADAY: Okay. Back to when you disengaged, do you remember Deputy Kade cycling another round through; do you know anything about that?

HAJASH: I was too zoned in on the subject watching him at the time.

CANADAY: Okay. Did you have any contact with anybody else after the shooting?

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

HAJASH: After we disengaged with the subject I went and made sure the garage was clear and nobody setting in it, because the garage door was open, like the car door bay was open. After I cleared that a female came out of the house where he lived at, and she asked what was going on and we advised her she needed to go back in the residence we would get back with her in a minute. She asked again and we told her it was a crime scene and that we would speak with her in a minute. She could see the subject on the ground, her next words were "who shot who" and we told her to go back in the residence and she did.

CANADAY: Okay. After you had cleared the garage and you had spoken to the female, who I think turns out to be Mr. Webb's wife, did you all – obviously you walked up and checked on Mr. Webb, but aside from that, did you all have anything to do with the crime scene; did you move anything – speaking for you as far as you know, you or Deputy Kade, did you all do anything like that?

HAJASH: No, we didn't do anything, we just set back and made sure nobody came out there and grabbed his firearm or did anything with him until Deputy Bircham arrived to assist us.

CANADAY: So you pretty much just secured the scene as is?

HAJASH: Yes.

CANADAY: I don't think I have anything else, do you?

LILLY: Just briefly. When you guys were walking in prior to any of this going down, and I'm talking in the area of Mr. Webb's house on Primrose Lane, did you see any neighbors whatsoever; did you see anybody or hear anybody?

HAJASH: No. There was no one that we seen or heard, just dogs barking, that's the only thing we heard.

LILLY: Did you notice any lights on at any of the residence in the area?

HAJASH: I think there was a porch light on a couple of houses before his on the left, just a porch light not an inside light.

LILLY: That's all I have.

CANADAY: Okay. I don't have any other questions, we'll conclude the interview.

"EXHIBIT D"

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

STATEMENT OF DEPUTY G.S. KADE

PRESENT: This is Detective Canaday with the Raleigh County Sheriff's Office.
Present with me for this interview is Sgt. Lilly and Deputy Kade.
REF: We're going to be talking about an officer involved shooting that occurred
on July 4th. The service number is 2006-29168.

CANADAY: Deputy Kade, we spoke, I guess kind of a field interview the other day just
so I could get a grasp on what was going on. This is going to be your
formal statement, it is being recorded and you do know that. What I'll ask
you to do now is just recount for me what happen that night. You can start
from – I understand that you were working off duty and were talking to
Deputy Hajash. You can start there and just walk us through the scenario.

KADE: Okay. I was working off duty at the, I believe it's going to be Holliday
Express on Harper Road. I had started my shift at midnight, which would
have been, you know the 4th, and Deputy Hajash had just answered –
whether he had assisted or answered a call at Beckley West I'm not sure,
but he come back through there and he had stopped and was speaking to
me – we were just outside talking had been outside of our vehicles talking
and while we were talking a call came out of shots fired on Cabell Heights
and that a gentleman was shooting a handgun towards his residence.
Deputy Hajash took the call and I advised EOC that I would be on duty
and that I would be en-route to assist him. So I get behind following
Deputy Hajash, we get on the Interstate there and get off at MacArthur and
we turn up Old Eccles Road and that's how we, you know, we come in on
the Old Eccles Road into Cabell Heights. But while we were en-route I
asked EOC if there was any family in the residence and they said yes there
was, I think they said two children and a wife. I asked 'em what kind of
weapon he had and they said they thought he had a handgun. And then I
believe the final question was about how far from the intersection of
Cabell Heights on Old Eccles Road and they advised it was approximately
two blocks. So, Deputy Hajash and I parked at the entrance – excuse me,
intersection of Cabell Heights and Old Eccles Road. When we got out of
the vehicle I asked John, I said are you taking anything and he said no I'm
just going to take my handgun, so I decided to take a shotgun. We started
walking down the road, and you know, we walked a little bit further than
we thought two blocks was. So Deputy Hajash asked EOC a little bit
better directions and, you know, they were trying to give us a housing
description I believe. As we kept walking we heard – we started hearing
music playing and, you know, which would have been, you know, we
could tell it was very loud. So Deputy Hajash asked EOC to ask the caller
if the music was where the suspect was and they advised it was. So we
keep walking down Cabell Heights Road and the music is very loud. We
get to the neighbors house – we get to the house beside of the suspect and
there's a large tree in the front yard so we kind of staged behind the tree

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

and we was trying to observe if he was outside or not. I noticed that there was like some lights on in the back of the suspects house, or excuse me, the back - like would have been the garage light and possibly an outside light. I just set there for a minute or so and I could see someone walking through the tree line there in the backyard because I could see his shadow breaking in and out of the light. So I advised Deputy Hajash that was the suspect more than likely. He had a large chain-link fence I guess was about 5 feet tall, so we started making our way down the chain-link fence and we was going to go through the front gate and come around the side of the house and engage the suspect there. Once we got about halfway down the chain-link fence the music stopped. I remember hearing the suspect say "what the hell" like he was surprised that the music had stopped playing. Well, once we get up to the chain-link fence the gate - excuse me, once we get to the gate there's a padlock in the gate and it was locked. I told Hajash, I said with the music stopped I said, you know, we can't climb the fence because he will hear the fence rattling on the poles. So, we walked on down to the corner of the house - we're still out in the roadway - and we turn up Primrose Lane, which is the road that goes up the side of the house. There's a large shrub - a large hedge on the side of the house and we started, you know, making our way up by the shrub, and we could see Mr. Webb at his truck. The cab light inside of the truck was on and it appeared that he had the door open looking - he was standing at the truck with the door open. So, I had a weapons light on my shotgun and I took a couple of steps out from behind the shrub - we was out in the roadway and there was no cover or anything, and I identified myself as saying - myself and Deputy Hajash as saying "police, let me see your hands". At that point the suspect raised a weapon, it was not a pistol it was - I immediately identified it as an AK-47, because you could tell, I mean, that's a very distinct weapon and the magazine hanging out of the bottom of it. He pointed the weapon directly at me and at this point I fired my weapon and pretty much simultaneously Deputy Hajash fired his handgun. I seen the suspect fall and at that point I side stepped I guess two or three steps there, I don't know how many, to make sure that the offender was on the ground. I didn't even realize I had already cleared my shotgun and chambered another round - I don't even remember doing it. Deputy Hajash walked up to the offender and, you know, within - not right up on top of him or anything but he was making sure the weapon was on the ground and then he backed off. I take that back, before he walked up he got on the radio and yelled at EOC and told 'em shots were fired that we needed help and we needed EMS, we had one man down. I think they didn't hear us or either they said they couldn't hear us I don't remember, and then he tried it again and then I got on the radio and said the same thing. I think I told John that we needed to find some cover because there was no cover right there just in case the family was going to come out of the house on us, because we didn't know if there was family

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

that lived around him or anything. So I guess while I was in the street – stepping up the street there to try to find some cover I immediately thought I had better chamber another round, and then I chambered – that's when I cycled my shotgun, that's when pretty much we waited on help to get there. While we were waiting a female come out of the house, out of Mr. Webb's house, it appeared to be his wife. She looked – the first thing I remember her saying, she looked at us and said who shot who, and that's when I looked at her, I said, ma'am, you need to go back inside. She just stood there and then Deputy Hajash said, you know, ma'am, go inside we're talk to you a little bit. Then she walked inside and then Deputy Bircham arrived on the scene. Immediately after he arrived on the scene it seemed like EMS arrived on the scene. When they got there I walked down to the intersection of Primrose and Cabell Heights, and then Lt. Williams arrived on the scene and I put my shotgun in the back of his vehicle and he told me to walk up and get my car at the intersection of Cabell Heights. So I walked back up the road and got my car. I kind of stayed there because I really didn't want to go back to the scene, because I knew there was already enough people down there on the scene, you know, they really didn't need any help, and that's when I think the Sheriff drove by and talked to us – he come up and talked to us. By that point Deputy Hajash come up and the Sheriff told us to just hang out up there. Chief Tanner and Detective Lilly come up to check on us there and I think then they wanted us to come back to the scene, well, not at the scene but in a general area so that's when I went back to the area.

CANADAY: Whenever you engaged the suspect, I guess verbally the first time you said there was music playing and it stopped, was there music playing at the time you engaged the suspect?

KADE: No. The music had stopped playing when we were in front of the house making our way down to the house and it never started back up after – like I said, it stopped while we were in front of the house. And from the time we were in front of the house to the time we engaged the suspect there was no music playing.

CANADAY: I guess proportionate, if you can remember back to that night your position and there was also a truck setting in the driveway and the suspects position, where was your position generally speaking in relation to the suspect and this truck?

KADE: Roughly speaking, I was at the left rear of the truck. Not up against it, further back out in the roadway and Deputy Hajash was off to my right, that would have put him somewhere towards the middle of the truck, the middle of the tailgate.

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

CANADAY: Okay. Deputy Hajash shot – you said they happened pretty much simultaneously with yours. Was there ever a pause in his shot or were they relatively speaking pretty rapid in succession

KADE: In my mind I thought they were in succession. I don't remember a pause, but it's possible there could have been I'm not 100% sure.

CANADAY: If there was a pause it wasn't for any – it was for a negligible amount of time, it wasn't, you know, shot twice and then moved around and then shot again or shot twice and then waited 5 or 10 seconds and shot again, it wasn't anything like that was it?

KADE: No, no, they were pretty much within succession of each other. If anything it couldn't have been no more than a second.

CANADAY: Okay. I don't think I have any other questions right now. Sgt. Lilly, do you have anything?

LILLY: You may have already said this, I just want to clarify it, how many rounds did you fire?

KADE: I fired one round from my shotgun.

LILLY: Just one round?

KADE: Yes, sir.

LILLY: And then you said that you wanted to cycle another round, I guess in case there was another threat. Is that correct?

KADE: Yes, sir.

LILLY: Apparently you did that twice?

KADE: Apparently, because – apparently right after I shot I cycled a round, I didn't realize it and then after the shots were fired, Deputy Hajash and I were looking for cover then it automatically in my mind it hit me to cycle another round, and apparently that's where a live round I cycled and a live round had hit the ground unknowing to me I had already done it, I had already cycled a round.

CANADAY: Did you have any conversation with Deputy Hajash right after the shooting?

**RALEIGH COUNTY SHERIFF'S OFFICE
DETECTIVE BUREAU**

KADE: I remember looking at him and telling him that the offender was down. That was right after the shots were fired from both deputies, I advised Hajash the offender was down.

CANADAY: Was there any other shots fired after you guys seen he was down?

KADE: No, sir.

CANADAY: I don't think I have anything else. We'll conclude the interview.

"EXHIBIT E"

1 Q You could see his feet?
 2 A And his head through the window,
 3 somewhat, the silhouette of it.
 4 Q Do you know why he approached his
 5 truck?
 6 A I'm assuming because his music stopped
 7 playing.
 8 Q Did you hear him say anything?
 9 A He said, What the hell.
 10 Q Okay. Was that right after the music
 11 stopped?
 12 A Yes.
 13 Q Okay. After you saw him at the truck,
 14 you could see his head and his feet, could you tell what
 15 he was doing?
 16 A It looked like he was messing with the
 17 radio trying to get it to start working again.
 18 Q Was he leaning inside of his truck?
 19 A Yes.
 20 Q Did you see him at any other point
 21 prior to announcing your presence?
 22 A No. He was just standing right there.
 23 Q Okay. At this point, were you in front

1 period of time? How long did you observe him?
 2 A Not long.
 3 Q And what did you see him doing?
 4 A He was messing with his radio.
 5 Q Okay. Did you believe him to be armed
 6 at that time?
 7 A Not at that time, no.
 8 Q At what point did you approach him?
 9 A When the music stopped, we went up
 10 Primrose Lane and we approached him then.
 11 Q Okay. How did you approach him?
 12 A Deputy Kade told him, Police, let's see
 13 your hands.
 14 Q Okay. Did you run up to his truck?
 15 A No. We were standing in the road.
 16 Q You walked up to his truck?
 17 A We were still in the road but we walked
 18 up to behind his truck. I was behind the truck and
 19 Deputy Kade was looking at him from head to toe.
 20 Q Okay. Was he facing you or facing away
 21 from you?
 22 A He was facing across in front of me but
 23 I was behind the truck.

1 of the house looking over the gate?
 2 A We were behind his truck.
 3 Q You were behind his truck?
 4 A Deputy Kade was looking at him head to
 5 toe and I was behind the bed of the truck.
 6 Q Okay. Let's back up. After you got
 7 done with the front of the house when you realized there
 8 was a padlock on the front gate, what did you do next?
 9 A Well, we were standing there trying to
 10 think of what we were going to do and the music shut off
 11 and when it shut off, we figured that was a good time to
 12 approach him because we didn't want to startle him with
 13 the music blaring and hearing.
 14 Q Did you discuss how you were going to
 15 proceed with Deputy Kade?
 16 A No. We just said we were going up
 17 Primrose Lane because where you have to go to get to his
 18 driveway.
 19 Q Okay. Did you stop at any point to
 20 observe him through the trees?
 21 A You could see him as we were walking
 22 between the house and his hedgerow.
 23 Q Okay. Did you observe him for any

1 Q So if you were behind the truck and
 2 Deputy Kade could see him head to toe, would he have been
 3 facing Deputy Kade?
 4 A No.
 5 Q Okay. Where was he facing?
 6 A He was facing to mine and Deputy Kade's
 7 right. He wasn't facing away but he was semi facing away
 8 from us.
 9 Q So he was facing his truck?
 10 A Yes, the inside of it.
 11 Q Okay. Did you wait till he turned away
 12 before you approached him?
 13 A That's how he was standing the whole
 14 time.
 15 Q Okay. So you didn't turn away. You
 16 didn't wait for him to do anything before you approached
 17 him?
 18 A No.
 19 Q Okay. And you say that you approached
 20 him and you get to the truck. You can see how much of
 21 him?
 22 A From his upper torso, the same as I
 23 could see from before.

Civil Action No. 08-C-406-H

Multi-Page™

John E. Hajash, 06-19-09

Page 81	Page 83
1 Q Okay. Was he still leaning in the 2 truck? 3 A He was more or less standing up at the 4 door on the outside of the truck. 5 Q Okay. Was the door open? 6 A Yes. 7 Q Where was he with regard to the door? 8 A In-between the door and the cab of the 9 truck. 10 Q And what happened after that? 11 A That's when Deputy Kade told him, 12 Police, let's see your hands. 13 Q Okay. And Deputy Kade could see him 14 from head to toe from where he was standing? 15 A Yes. 16 Q About how far were you standing from 17 Deputy Kade? 18 A I would say about 10 to 15 feet, 19 roughly, I guess. 20 Q How far were you from, I guess, the 21 rear passengerside of the truck? 22 A Just a couple of feet. 23 Q Okay. And did you have your gun drawn	1 Webb? 2 A The same way I did. 3 Q Okay. He was carrying a tactical 4 shotgun at the time? 5 A Yes. 6 Q Did he have the shotgun pointed in 7 front of him? 8 A Right before he announced his presence, 9 yes. 10 Q Okay. And how did he announce his 11 presence? 12 A I believe it was, Police, let's see 13 your hands. 14 Q Okay. What happened after that? How 15 did Robert Webb react? 16 A He turned around and he had something 17 in his hands. I couldn't tell what it was and he raised 18 it up to his shoulder and it was an AK-47. 19 Q Okay. How did he turn around? 20 A I believe he turned to his left. 21 Q He turned to his left? 22 A That's what I believe. 23 Q Okay. And that's kind of confusing.
Page 82	Page 84
1 at that time? 2 A Yes. 3 Q At what point did you draw your gun? 4 A We had it out when we were approaching 5 to confront him. 6 Q Okay. Did you have it out before you 7 approached the front of the house? 8 A No. 9 Q Okay. So after you decided to approach 10 him on Primrose, you took out your semiautomatic at some 11 point? 12 A Yes. 13 Q Do you remember at what point? 14 A I think when we were walking up 15 Primrose. 16 Q Okay. How did you approach him? Did 17 you approach him with the weapon pointed towards him? 18 A Right before Deputy Kade announced our 19 presence, that's when I aimed. 20 Q Okay. 21 A Before he announced, Police, let's see 22 your hands. 23 Q How did Deputy Kade approach Robert	1 Show me how he turned. He was facing inside of his car, 2 inside of his truck, and his door is to his left. So he 3 turned to his left and aimed at you? 4 A That's what I always believed. 5 Q Okay. 6 A But my memory is a little blurry on 7 that. 8 Q And he had something in his hand? 9 A Yes. 10 Q And based on his posture, what did you 11 believe him to have in his hand? 12 A I didn't even think about it because I 13 was looking for a pistol because that's what we were told 14 he had. 15 Q Okay. And at that point, what? What 16 happened after that? 17 A Within a second or two, that's when he 18 raised it to his shoulder to the firing position. 19 Q Okay. He raised his weapon to his 20 right shoulder? 21 A Yes. 22 Q Okay. And what happened after he 23 raised the weapon to his right shoulder?

Page 85	Page 87
1 A That's when Deputy Kade fired his 2 shotgun and I fired my handgun. 3 Q Okay. Who fired first? 4 A Deputy Kade. 5 Q And what happened to Robert Webb after 6 Deputy Kade fired? 7 A He stumbled back still holding the 8 rifle in his hands. 9 Q Okay. Did he hit the door? 10 A I can't recall that. 11 Q Okay. How many shots did Deputy Kade 12 fire? 13 A Just one. 14 Q How many shots did you fire? 15 A Two, three total. 16 Q After Deputy Kade announced your 17 presence, what parts of Robert Webb's body could you see? 18 A I could see his upper torso and his 19 head and his shoulders. 20 Q Did you say anything to announce your 21 presence? 22 A No. That'd be too confusing, two 23 people doing that.	1 A I think at that time he was coming out 2 from the side or something. I can't recall that. I 3 leaned to the left. 4 Q Okay. He approached to the rear of the 5 vehicle? 6 A Now, what was that? 7 Q He approached to the rear of the 8 vehicle? I'm trying to figure out where you were when 9 you had your third shot under the truck? 10 A I was standing roughly right behind 11 where the license plate is. 12 Q Okay. This might work. The third shot 13 that went under the truck, did you fire it behind the 14 rear tires or in front of the rear tires? 15 A I didn't fire under the truck. It was 16 on the outside of the truck. 17 Q Okay. So it wasn't under the truck? 18 A No. 19 Q So he was on the ground? 20 A Yes. 21 Q You could see his whole body at that 22 point? 23 A No.
Page 86	Page 88
1 Q Okay. Your first two shots were at 2 Robert Webb as he was on the other side of his truck 3 toward his torso? 4 A Yes. 5 Q Okay. Do you know whether or not both 6 those bullets hit Robert Webb? 7 A I don't know. 8 Q Okay. Your third shot, can you tell me 9 about that? 10 A He fell to the ground after he was 11 shot. I believe my bullet hit him when he was still 12 standing. And he fell to the ground and started rolling 13 and all I could see was his -- I think it was his feet or 14 something. I don't remember what it was. But he was 15 rolling on the other side like he was going to start 16 shooting at our feet from under the vehicle and that's 17 when I fired one more shot and then I could see his hands 18 after that shot was fired. 19 Q Okay. Did you have to drop to one knee 20 to see under the truck? 21 A No. 22 Q Okay. You could see under based on 23 your angle?	1 Q Okay. What parts of him could you see? 2 A I could just see his shoulder and it 3 looked like he was still holding the rifle. Like, he 4 was laying on his back and was going to start shooting 5 towards his feet which would have hit my legs and Deputy 6 Kade's legs. 7 Q Okay. So you fired a third shot? 8 A Yes. 9 Q And after that, you saw his hands? 10 A Yes. And that's when I stopped and 11 Deputy Kade said he's unarmed at that time, stop 12 shooting. 13 Q Did he roll over and expose his hands 14 somehow after you shot or -- 15 A After I shot, he finished rolling and 16 his hands were just in sight at that point in time. 17 Q And Deputy Kade told you he was 18 unarmed? 19 A After I seen his hands, yes. 20 Q I guess Kade was a superior officer? 21 A Yes. 22 Q Did he order you to stop shooting or 23 just tell you to stop shooting?

"EXHIBIT F"

Page 9

1 A Yes.

2 Q He's an employee of your company?

3 A Yes.

4 Q Okay. And how long have you had that

5 business?

6 A I've been working, myself, probably

7 14 years, maybe.

8 Q Now, do you do commercial accounts or

9 just private residence?

10 A Both.

11 Q Okay. I don't know if I told you this

12 or not, again, my name is Chip Williams. I represent the

13 Raleigh County Sheriff's Department, as well as Deputy

14 Greg Kade and several other individual defendants in a

15 lawsuit that's been filed against them. It's my under-

16 standing that you live in proximity to where Mary Webb

17 lives. Is that correct?

18 A Neighbor.

19 Q Okay. I'm going to give you a piece of

20 paper, and just, obviously, this is not going to be to

21 scale, could you just sketch out the street and where

22 your house is in relation to where the Webb's home is?

23 A Yes. This is the main street.

Page 10

1 Q Okay.

2 A This is Primrose Lane, this is mine,

3 that's Mary's.

4 Q Okay. When you say main, is that

5 Cabell Heights?

6 A Yes.

7 Q Okay. Write Cabell Heights on there.

8 A And this one is Primrose.

9 Q Okay. And your home actually has a

10 Cabell Heights address. Is that correct?

11 A Correct.

12 Q Okay. And so can I then assume that

13 the front of your home is what is facing Cabell Heights

14 Road?

15 A Yes.

16 Q Okay. Where you've drawn the Webb home

17 there on Primrose, can you put in there somewhere and

18 tell me in relation to the home where the Webb's garage

19 would be in relation on that picture, and then kind of

20 where their driveway is?

21 A It comes right in front of the garage.

22 Q Okay. All right. And then on the

23 picture of where your home is, can you just put an X for

Page 11

1 me where your bedroom, the master bedroom where you

2 sleep, is located in that home?

3 A (Witness complies)

4 Q Okay. And you've X'd on the outside,

5 right in the -- from Primrose, looking at the side of

6 your home, that would be in the right rear corner?

7 A This is Primrose. This would be the

8 back of my house, this would be the left side, I believe.

9 Q Okay. From Cabell Heights, if you're

10 looking at the home from Cabell Heights, that's the left

11 side of your home?

12 A Yeah.

13 Q Correct. So if you're standing and

14 looking at the front of your home, it's the left rear of

15 your home?

16 A Yeah.

17 Q Okay. Got you.

18 MR. WILLIAMS: I'm going to ask that

19 this be marked as Exhibit 1 to the deposition.

20 MR. OLIVIO: Just note the objection

21 that it's not to scale.

22 MR. WILLIAMS: I don't know, it looks

23 pretty close to me.

Page 12

1 (WHEREUPON, Hatfield Deposition

2 Exhibit No. 1 was marked for

3 identification purposes)

4 BY MR. WILLIAMS:

5 Q It's my understanding that on the

6 evening, and I'll say the evening because the shooting

7 involving Mr. Webb happened in the morning hours the next

8 day, so I'll say the evening before and that's how we'll

9 reference it. You understand what I'm talking about when

10 I say that?

11 A Yes.

12 Q So it's my understanding that the

13 evening before, which would have been the evening, I

14 believe, of July 3rd, that that evening, at some point,

15 you had been at the Webb's home. Is that correct?

16 A Correct.

17 Q Okay. Approximately what time was it

18 that you were at Robert Webb's home that evening?

19 A It may have been from 9:00 till 10:00,

20 11:00. We were standing in the driveway talking, me and

21 my wife, him and his daughter.

22 Q So you think that approximately be-

23 tween sometime during the time period of 9:00 P.M. and