

IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

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

VS. ) 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. )

(Deposition of John E. Hajash)

BROWN REPORTING AGENCY  
P.O. Box 5473  
Beckley, West Virginia 25801-7508  
304/252-4106

APPEARANCES:

TRAVIS A. GRIFFITH, ESQ.  
GRIFFITH LAW OFFICES, PLLC  
Suite 400  
707 Virginia Street, East  
Post Office Box 3865  
Charleston, West Virginia 25338  
CoCounsel for Plaintiff

MICHAEL A. OLIVIO, ESQ.  
ROMANO & OLIVIO, PLLC  
813 Quarrier Street  
Charleston, West Virginia 25301  
CoCounsel for Plaintiff

CHIP E. WILLIAMS, ESQ.  
PULLIN, FOWLER, FLANAGAN,  
BROWN & POE, PLLC  
Suite 201  
600 Neville Street  
Beckley, West Virginia 25801  
Counsel for Defendants  
Raleigh County Sheriff's Department,  
Raleigh County Commission, Sheriff  
Danny Moore, Chief Deputy Steve  
Tanner, Deputy Greg S. Kade

KERMIT J. MOORE, ESQ.  
BREWSTER, MORHOUS, CAMERON, CARUTH,  
MOORE, KERSEY & STAFFORD, PLLC  
418 Bland Street  
Post Office Box 529  
Bluefield, West Virginia 24701-0529  
Counsel for Defendant  
Deputy John E. Hajash

B.R.A.

**COPY**

The deposition of JOHN E. HAJASH, in the above-

styled matter was taken pursuant to notice for discovery

and/or evidentiary purposes, before H. David Stanley, a

Notary Public within and for the State of West Virginia

at Large, on the 19th day of June, 2009, commencing at

9:17 A.M., EDST, at the law offices of Pullin, Fowler

Flanagan, Brown and Poe, PLLC, 600 Neville Street,

Beckley, West Virginia.

I N D E X

| <u>Plaintiff's Witness:</u>               | <u>Direct</u> | <u>Cross</u> |
|-------------------------------------------|---------------|--------------|
| John E. Hajash                            | 4             | --           |
| <u>Plaintiff's Exhibits:</u>              | <u>Marked</u> |              |
| Hajash Depo. Exhibit A                    | 97            |              |
| Hajash Depo. Exhibit B                    | 113           |              |
| Hajash Depo. Exhibit C                    | 126           |              |
| Hajash Depo. Exhibit D                    | 134           |              |
| Reporter's Certificate -- Pages 159 & 160 |               |              |

B.R.A.

1 (Witness Sworn)

2 THEREUPON came,

3 JOHN E. HAJASH,

4 called as a witness on behalf of the Plaintiff herein,

5 who, having been first duly sworn according to law,

6 testified as follows:

7 DIRECT EXAMINATION

8 BY MR. GRIFFITH:

9 Q Mr. Hajash, my name is Travis Griffith.

10 As we introduced ourselves before we started this, I'm an

11 attorney in Charleston, West Virginia. I represent with

12 cocounsel, Mr. Olivio, the Plaintiffs in this case. Can

13 you please state your name for the record?

14 A John Hajash.

15 Q Okay. And what's your current address?

16 A Mailing or physical?

17 Q Can I get both, please?

18 A Mailing is P. O. Box 441, MacArthur,

19 West Virginia 25873 and physical is 117 Ranger Road.

20 Q Okay. And can I get your phone number,

21 please?

22 A It's 304-228-7712.

23 Q Okay. Have you ever had your

Page 5

Page 7

1 deposition taken before?  
2 A No.  
3 Q Okay. I assume that your attorney has  
4 explained what a deposition is but I'm just going to go  
5 through it. I'm going to be asking you a series of  
6 questions. He's going to be recording all of it. If at  
7 anytime you don't understand one of my questions, please  
8 feel free to ask for clarification. If you need a break  
9 at anytime to use the restroom or get something to drink,  
10 feel free to do that. If I'm asking questions and you  
11 feel that they need a yes or a no answer, please try to  
12 say yes or no instead of like a uh-huh or huh-uh because  
13 it's all going to be written down and when it says uh-huh  
14 and huh-uh, we may not understand exactly what you meant.  
15 This was the second time that we've had your deposition  
16 noticed in this case. Are you aware of that?  
17 A Yes.  
18 Q Okay. Were you aware there was to be a  
19 first deposition?  
20 A No.  
21 Q Okay.  
22 A Because I didn't receive the letter.  
23 Q Okay. You never received the letter?

1 meeting?  
2 A My wife.  
3 Q Okay. Other than your wife, was there  
4 anybody else present at that meeting?  
5 A My son but he's seven months.  
6 Q Okay. Congratulations.  
7 A Thank you.  
8 Q Have you ever met with Mr. Williams in  
9 this case?  
10 A No.  
11 Q Okay. When was the first time you met  
12 with Mr. Moore?  
13 A It's been some time ago. I can't  
14 remember the date.  
15 Q Okay. Have you spoken to anyone else  
16 prior to this deposition?  
17 A No.  
18 Q Okay. Did you speak to Mr. Kade prior  
19 to this deposition?  
20 A No.  
21 Q What about Mr. Moore?  
22 A No. Mr. Moore. You mean Sheriff  
23 Moore?

Page 6

Page 8

1 Okay. Did you get a copy of the original notice of the  
2 deposition?  
3 A I've seen it in Mr. Moore's file.  
4 Q Okay. Was that before or after the day  
5 we had it scheduled?  
6 A After.  
7 Q Okay.  
8 A Yeah.  
9 Q Did you receive any telephone calls  
10 from your lawyer about that deposition?  
11 A I had changed my number in that process  
12 and I forgot to notify him.  
13 Q Okay. Did you meet with your lawyer  
14 prior to this deposition today?  
15 A Yes.  
16 Q For about how long of a period of time?  
17 A Yesterday for about an hour.  
18 Q Okay.  
19 A Was that at your home?  
20 A His office.  
21 Q His office. And that's in Bluefield?  
22 A Yes.  
23 Q Okay. Was anyone else present at that

1 Q Previous Sheriff Moore?  
2 A No.  
3 Q Mr. Tanner?  
4 A No.  
5 Q Okay. Did you review any documents  
6 prior to your deposition?  
7 A Yes.  
8 Q Okay. What do you review?  
9 A My statement.  
10 Q Okay. The police statement that you  
11 gave?  
12 A Yeah. The statement that I gave to  
13 Sergeant Lilly and Canaday.  
14 Q Okay. Do you remember what date you  
15 gave that statement?  
16 A No.  
17 Q Okay.  
18 A A couple of days after.  
19 Q So maybe the fifth or sixth?  
20 A Fifth, sixth or seventh, something like  
21 that.  
22 Q Approximately. Okay. Just a little  
23 background information. Can I get your date of birth,

Page 9

Page 11

1 please?

2 A It's 3/1/84.

3 Q And what type of education do you have?

4 A Some college.

5 Q Okay. Where'd you go to high school?

6 A Independence.

7 Q And what year did you graduate?

8 A In 2002.

9 Q You said you had some college?

10 A At Bluefield State.

11 Q What years were you at Bluefield State?

12 A Up until the fall of '03.

13 Q Okay. Did you attend in the fall of

14 2003 or did you quit prior to the fall of 2003?

15 A That was my last semester. It was the

16 fall of '03.

17 Q Okay. So you did three semesters of

18 college?

19 A Yes.

20 Q Did you do any summer work or anything

21 like that?

22 A No.

23 Q What was your main focus?

1 Q Okay. Do you have a supervisor there?

2 A Yes.

3 Q Who's your supervisor?

4 A Mike Bolen.

5 Q Do you have any other supervisors or

6 bosses there?

7 A He's the main man.

8 Q Okay. How long have you worked there?

9 A A little over a month.

10 Q Is this the first job you've had since

11 leaving the Raleigh County Sheriff's Department?

12 A The third.

13 Q Okay. What was the first job you had

14 after you left the Raleigh County Sheriff's Department?

15 A Dyno Nobel.

16 Q What'd you do there?

17 A Blasting, strip mine and underground

18 blasting.

19 Q What was your title there?

20 A I don't even know if I had one.

21 Q Okay. Just a laborer?

22 A Yeah.

23 Q Okay. Did you actually handle the

Page 10

Page 12

1 A Criminal Justice.

2 Q Why did you not continue to pursue

3 that?

4 A I got hired on at the Sheriff's Office

5 and didn't have time. Where my schedule changed and all

6 that, I couldn't take classes.

7 Q Okay. Where are you from originally?

8 A Beckley.

9 Q Have you ever lived in any other areas?

10 A No.

11 Q Are you currently employed?

12 A Yes.

13 Q Okay. Where are you currently

14 employed?

15 A Asplundh Tree Experts.

16 Q I'm sorry. You have to repeat that for

17 me.

18 A Asplundh, A-S-P-L-U-N-D-H, Tree

19 Experts.

20 Q And what do you do there?

21 A We trim trees from power lines.

22 Q Do you have a title there?

23 A I'm a groundsman.

1 blasting compounds?

2 A Yes.

3 Q What was your job?

4 A Just transporting them, loading and

5 transporting explosives, floating the holes, setting the

6 shot up, just anything.

7 Q Can you tell me about the time periods

8 that you worked with Dyno Nobel?

9 A July to October of '08.

10 Q Okay. Why did you leave that position?

11 A I went into the mining industry.

12 Q Okay. What was your next job after the

13 Raleigh County Sheriff's Department?

14 A Pocahontas Coal.

15 Q What did you do with Pocahontas Coal?

16 A Run the endloader.

17 Q Well, I've skipped something there.

18 Who was your main supervisor at Dyno Nobel?

19 A Frank Vance.

20 Q Did you quit that job or were you

21 terminated from that job?

22 A I left to go to the mines.

23 Q What was your title at Pocahontas Coal?

Page 13

Page 15

1 A Equipment operator.  
2 Q Did you need a Class A CDL or anything  
3 to operate that equipment?  
4 A It was all offroad.  
5 Q Okay. So you just have a regular  
6 driver's license?  
7 A I have a CDL.  
8 Q Okay. Who was your main supervisor at  
9 Pocahontas Coal?  
10 A The first time I was there, it was Pat  
11 McKinney and the second time, it was Jeff Shrewsbury.  
12 Q What were the time periods that you  
13 were at Pocahontas Coal?  
14 A From October to December of '08 and  
15 then February to the end of March of '09.  
16 Q Why did you leave Pocahontas Coal in  
17 December of 2008?  
18 A I got caught in layoffs.  
19 Q Was that a temporary layoff or a full  
20 layoff?  
21 A Well, the first one was temporary and  
22 the second one was longer than that one.  
23 Q Okay. So March of 2009 was a longer

1 Q You applied for a job at the Raleigh  
2 County Sheriff's Department. Correct?  
3 A Yes.  
4 Q Okay. Who did you speak to about a  
5 job?  
6 A I think I just picked up an application  
7 from the girls at the front desk.  
8 Q Okay. And you filled it out and turned  
9 it in?  
10 A Yes.  
11 Q Did you get any response at all?  
12 A I made it all the way up to an oral  
13 interview, I think.  
14 Q Okay. When you say you made it up to,  
15 were there different steps?  
16 A I passed the PT test and the knowledge  
17 test.  
18 Q And the PT test is a physical test?  
19 A Yes.  
20 Q Okay. Tell me what that entailed.  
21 A I think it was 27 pushups in a minute,  
22 29 situps in a minute and a mile and a half in 14.52 and  
23 basically, sit-and-reach style exercise, reach your toes.

Page 14

Page 16

1 layoff?  
2 A Uh-huh, (yes).  
3 Q But that was a layoff as well?  
4 A Yes.  
5 Q And I guess your third job is this  
6 Asplundh Tree Experts?  
7 A Yes.  
8 Q I don't think I asked but when did you  
9 begin at Asplundh Tree Experts?  
10 A I think May 12th.  
11 Q Of '09?  
12 A Yes.  
13 Q When did you first approach any law  
14 enforcement agency to get a job in law enforcement?  
15 A Right after I graduated high school, I  
16 applied at the Sheriff's Office.  
17 Q Raleigh County?  
18 A Uh-huh, (yes).  
19 Q You don't have any military experience,  
20 do you?  
21 A No, sir.  
22 Q Who did you apply with?  
23 A What do you mean?

1 Q Okay. What about the knowledge test?  
2 A Just basic law enforcement knowledge, I  
3 guess.  
4 Q Was it a written test?  
5 A Yes.  
6 Q Okay. Was it multiple choice?  
7 A Yes.  
8 Q And what kind of questions did they  
9 ask?  
10 A There was math, english grammar and  
11 knowledge of police questions, I guess.  
12 Q Okay. And then after the knowledge  
13 test is the oral interview?  
14 A I think that was the next step but I  
15 never made it that far.  
16 Q You never made it to it? You never  
17 spoke to anyone?  
18 A No.  
19 Q Okay. Did you ever speak to Sheriff  
20 Moore at all about a position at that point?  
21 A Not that time, I don't believe. I  
22 didn't speak with him.  
23 Q And you were 18 at that time. Correct?

Page 17

1 A Yes.  
2 Q Do you know why you didn't get the oral  
3 interview?  
4 A They said because I still had a junior  
5 operator's driver's license because I got them when I was  
6 16. And where I turned 18, you don't renew them till  
7 you're 21 which that means it's an adult operators and I  
8 still had junior's.  
9 Q Okay.  
10 A They said insurance wouldn't cover it  
11 for me to drive their vehicles.  
12 Q Did you try to get any job with any  
13 other type of law enforcement agency?  
14 A No.  
15 Q So you went straight from there to what  
16 job? Oh, to school.  
17 A I was still in school at that time.  
18 Q Okay. Were you employed at all while  
19 you were attending college?  
20 A Not attending college, no.  
21 Q Okay. After you left Bluefield State  
22 in the fall or I guess the end of fall in 2003, did you  
23 again try to apply for a job?

Page 18

1 A That's when I got hired at the  
2 Sheriff's Office was the fall of '03.  
3 Q Okay. Sometime between your graduation  
4 from high school in 2002 and the fall of 2003, did you  
5 upgrade your driver's license to an operator's license?  
6 A Yes. After they didn't hire me the  
7 first time, I did upgrade it.  
8 Q Okay. Do you remember about when you  
9 did that?  
10 A No.  
11 Q Okay. Did you have to go through the  
12 application process again?  
13 A I think I just paid \$5 and had my  
14 picture done again.  
15 Q Okay.  
16 A I think that's all I had to do.  
17 Q Didn't have to do any tests or anything  
18 again?  
19 A No.  
20 Q Okay. At that point, I guess, did you  
21 get an oral interview?  
22 A No.  
23 MR. MOORE: Are you talking about the

Page 19

1 same thing here?  
2 THE WITNESS: Huh?  
3 MR. MOORE: Are you talking about your  
4 application to the Sheriff's Office?  
5 THE WITNESS: I thought you were  
6 talking about getting a driver's license.  
7 MR. MOORE: Yeah.  
8 MR. GRIFFITH: No, no. Thank you.  
9 MR. MOORE: That's a confusing  
10 question.  
11 BY MR. GRIFFITH:  
12 Q Okay. When you reapplied at the  
13 Sheriff's Office to get a job, did you have to go through  
14 the whole process again?  
15 A Yes.  
16 Q Okay. You had to take a PT test, the  
17 knowledge test?  
18 A Yes.  
19 Q Okay. And did you get an oral  
20 interview?  
21 A Yes.  
22 Q Okay. Who was your oral interview  
23 with?

Page 20

1 A I can't remember exactly but I know  
2 Sheriff Moore was there, Captain Rhonda Winders and  
3 Corporal Jim Bare and I know Sheriff Tanner was there at  
4 that time. He was a lieutenant. There was more but I  
5 can't remember or that stand out to me.  
6 Q What happened during the oral  
7 interview? What was discussed?  
8 A They just go over questions to see how  
9 you would answer them and what you would do in  
10 situations.  
11 Q And which were the law enforcement  
12 situations?  
13 A Yes.  
14 Q Did you have to study anything for your  
15 knowledge test?  
16 A No.  
17 Q Okay. Were you ever given a manual or  
18 anything from the Raleigh County Sheriff's Department?  
19 A No.  
20 Q Okay.  
21 A You're talking about to study from.  
22 Right?  
23 Q Well, to study from. That's my first

Page 21

Page 23

1 question.

2 A Okay. No.

3 Q Were you given any policy manuals by  
4 the Raleigh County Sheriff's Department?

5 A After I was hired.

6 Q After you were hired?

7 A Yes.

8 Q Okay. Danny Moore knows your family.  
9 Correct?

10 A He knew my great uncle.

11 Q He knew your great uncle. How did he  
12 know him?

13 A I have no idea.

14 Q Okay. Did they have some sort of  
15 relationship or friendship?

16 A They just knew each other. Plus, he's  
17 the Sheriff. He knew everybody.

18 Q Okay. When you were originally hired,  
19 were you given any kind of training officer to oversee  
20 you?

21 A After I completed the Academy, I was.

22 Q Okay. Well, let's back up. You got  
23 the oral interview. And when did you find out you

1 people.

2 Q Was there anybody specific you'd ride  
3 with?

4 A No, just whoever was available.

5 Q Were you uniformed at that time? Did  
6 you wear a uniform when you were riding between November  
7 of 2003 and May of 2004?

8 A After I passed my firearms qualifi-  
9 cation where I could carry weapons I was.

10 Q Okay. When did you pass your firearms  
11 qualifications?

12 A I think a little under a week after I  
13 got hired.

14 Q What did that entail?

15 A What do you mean?

16 Q There was a class on carrying a  
17 firearm?

18 A There was a one-day class or two-day  
19 class and then you'd have to go to the range and pass all  
20 the shooting qualifications.

21 Q Who taught that class?

22 A Sergeant Hopkins, Kevin Hopkins.

23 Q Okay. Was there any written material

Page 22

Page 24

1 obtained the position?

2 A I took my lie detector test and a  
3 physical examination from the doctor and a psychological  
4 examination. Then I was notified by the Sheriff that I  
5 was hired.

6 Q Okay. Do you remember about the time  
7 that was?

8 A I was hired in November of '03. It was  
9 a week or two before that, he let me know.

10 Q Okay. Do you remember when you started  
11 your application process again for the second time to get  
12 a job at the Raleigh County Sheriff's Department?

13 A No, I don't remember.

14 Q After you were hired around November of  
15 2003, what was your next step after that?

16 A Just waiting for my acceptance into the  
17 Academy.

18 Q When were you accepted into the  
19 Academy?

20 A I started the Academy in May of 2004.

21 Q What were you doing between November of  
22 2003 and May of 2004?

23 A I was riding with other certified

1 on that class, any tests, written tests?

2 A I can't remember. I think there may  
3 have been just a little bit but I can't remember.

4 Q Was this a class specifically for law  
5 enforcement?

6 A Yes.

7 Q Okay. This wasn't just, like, a  
8 conceal and carry class?

9 A No.

10 Q And you say it was about a week after  
11 you were hired in November of 2003?

12 A Yes.

13 Q Okay. And you passed that class on the  
14 first try?

15 A Yes.

16 Q Prior to beginning where you were  
17 riding with other certified officers, did you have to do  
18 any other type of training?

19 A No.

20 Q Okay. Do you remember about how long  
21 after the class on firearms that you began riding with  
22 certified officers?

23 A I rode with certified officers from the

Page 25

Page 27

1 day I started.

2 Q Was that prior to taking the class?

3 A Yes.

4 Q Okay. Were you carrying a weapon prior  
5 to taking the class?

6 A No.

7 Q Were you participating in arrests prior  
8 to taking the class?

9 A I was just there. I didn't do no  
10 hands-on.

11 Q Okay.

12 A I was just observing.

13 Q Something happened, you sat in the car?

14 A Well, I'd get out with them but I never  
15 did no talking or nothing like that.

16 Q Okay. You said at one point you were  
17 given a policy manual by the Raleigh County Sheriff's  
18 Department?

19 A Yes.

20 Q Okay. When was that policy manual  
21 given to you?

22 A I can't remember.

23 Q Okay. Do you remember about how long

Page 26

1 it was after you were hired in November of 2003?

2 A It wasn't long. Probably, within that  
3 month, I'd say.

4 Q And what were you told to do with that  
5 policy manual?

6 A Just that that was my particular book  
7 and to keep it and I was responsible for it.

8 Q Were you told to read it?

9 A We had to go over it before they'd give  
10 us parts of it.

11 Q They would give you parts of it?

12 A Like, when they updated them, they  
13 would and I had to go through the whole manual before  
14 they gave it to me.

15 Q Okay. Did you go over that manual with  
16 somebody?

17 A Captain Winders.

18 Q And what did you and Captain Winders do  
19 when you went over the policy manual?

20 A We'd go through them and read them.

21 Q Okay. So together you read over the  
22 policy manual?

23 A Yes.

1 Q Okay. Did you read through the entire  
2 policy manual?

3 A Yes.

4 Q Okay. Was that the only time that you  
5 read the policy manual?

6 A Anytime they updated them or changed  
7 them, we'd go over them again.

8 Q Okay. When they updated or changed the  
9 policies in the policy manual, would you read every  
10 policy or just the new policies?

11 A Just the new policies.

12 Q Okay. Were you instructed to follow  
13 those policies with regard to your police procedures?

14 A Yes.

15 Q Okay. Who instructed you to do that?

16 A Captain Winders.

17 Q Other than reading through it with  
18 Captain Winders, is there any other time that you read  
19 through the policy manual?

20 A When they updated them, it would go  
21 through our supervisor. Whoever was our supervisor at  
22 the time would go over them with us.

23 Q I'm asking for you individually. Is

Page 28

1 there anytime after that one time that Captain Winders  
2 sat down and went through it with you, is there anytime  
3 that you went through it yourself?

4 A Just a handful of times.

5 Q Okay. When were those occasions?

6 A I can't remember. Just whenever.

7 Q Do you know why you looked through them  
8 again?

9 A Just to read over them.

10 Q Did you read over the entire policy  
11 manuals?

12 A No.

13 Q Okay. What specifically were you  
14 reading over?

15 A I can't remember.

16 Q Was there something specific that would  
17 happen that would make you want to go back and read them?

18 A We had to go through and read the old  
19 ones when they'd update them to see if there was any kind  
20 of changes in them.

21 Q Would they do that in the classes?

22 Would they demonstrate where the changes were?

23 A Yes.

Page 29

Page 31

1 Q Do you have any relatives that work in  
2 the Raleigh County government?

3 A No.

4 Q Okay. What about in the Beckley City  
5 government?

6 A I have a cousin.

7 Q Okay. Who's your cousin?

8 A Adam Jones.

9 Q And what does Adam Jones do?

10 A He's a patrolman and a corporal.

11 Q Corporal with the Beckley --

12 A The Beckley Police Department.

13 Q How long has he been a corporal with  
14 the Beckley Police?

15 A Just a couple of months less than after  
16 I started.

17 Q Okay. So he started before you in  
18 November of 2003?

19 A After me.

20 Q After you. Okay.

21 A So it may have been early-'04 when he  
22 started.

23 Q Did you discuss your law enforcement

1 when you started working alone?

2 A I can't remember.

3 Q Okay. Between August of 2004 when you  
4 graduated and whenever you started working alone, who  
5 were you working with?

6 A Randy White.

7 Q Was he also a Deputy Sheriff?

8 A Yes.

9 Q Was he some form of training officer?

10 A Yes. He's my Field Training Officer.

11 Q Can you give me an idea what you and  
12 Mr. White would do when you were doing that field  
13 training?

14 A Well, I had to perform specific tasks  
15 and I had to do them correctly and he made sure I knew  
16 how to do them before I did them.

17 Q Okay. Can you give me an example of  
18 what those tasks were?

19 A Like how to run radar, how to handle  
20 arrests, how to handle situations and stuff like that.

21 Q Okay. Did you ever work anywhere other  
22 than in a cruiser for the Raleigh County Sheriff's  
23 Department?

Page 30

Page 32

1 career with Mr. Jones?

2 A No.

3 Q Okay. Did he discuss his with you?

4 A No.

5 Q What was your first title with the  
6 Raleigh County Sheriff's Department?

7 A Deputy Sheriff.

8 Q Did you ever have any other title?

9 A No.

10 Q When did you attend the Academy?

11 A In May of 2004 to August of 2004.

12 Q And was that the Academy in Charleston,  
13 West Virginia?

14 A In Institute.

15 Q Institute. And what kind of training  
16 did you have there?

17 A Physical training, knowledge testing  
18 and firearms training.

19 Q Okay. When did you begin working from  
20 a cruiser, a Raleigh County cruiser, on your own?

21 A A couple of months after I graduated  
22 the Academy.

23 Q Can you give me an approximate month

1 A What do you mean?

2 Q Did you ever work a desk job?

3 A Before the Academy, I served civil  
4 papers when there wasn't no one for me to ride with.  
5 Q Okay. Did you ever work in the Raleigh  
6 County Courthouse at all?

7 A Well, I did the metal detector.

8 Q You'd work the metal detector at the  
9 courthouse?

10 A But I was a Deputy at that time.

11 Q This was after your field training was  
12 completed?

13 A Yes.

14 Q Did you ever do any kind of court  
15 deputy work, bailiff work or anything like that?

16 A I worked for Kirkpatrick.

17 Q Worked for Kirkpatrick. Did you work  
18 for any other judges at the Raleigh County Courthouse?

19 A I may have sat in for Hutchison for a  
20 day or two.

21 Q Did you do any other kind of jobs for  
22 the Raleigh County Sheriff's Department?

23 A No.

Page 33

Page 35

1 Q Do you have an idea, was it two, three,  
2 four months that you worked with Deputy White?

3 A Probably, 2 1/2, maybe, almost three.

4 Q When you started working 2 1/2 to  
5 3 months after Deputy White and you had concluded your  
6 field training, did you always work alone in a cruiser?

7 A Yes.

8 Q Okay. Were you ever working with  
9 anyone else?

10 A No.

11 Q Do you remember when you were  
12 originally given your deputy's badge?

13 A It was after I completed my firearms  
14 training.

15 Q Okay. Was that also when you were  
16 given your weapon?

17 A Yes.

18 Q Okay. Was that a revolver or was it a  
19 semiautomatic?

20 A A semiautomatic handgun.

21 Q Okay. Do you remember what caliber it  
22 was?

23 A It was 40.

1 background stuff. Do you have any siblings, any brothers  
2 or sisters?

3 A No.

4 Q Do you have any other cousins other  
5 than the cousin that works for the Beckley Police  
6 Department, any other cousins that live in the area?

7 A Yes.

8 Q Okay. Can I get their names?

9 A There's a lot of them.

10 Q Okay. I'm just looking for the family  
11 last name.

12 A Waddell, Brown, Coulter and Thompson.

13 Q Did you ever have any other type of  
14 training when you were working as a Raleigh County  
15 Sheriff's Department deputy?

16 A In-service training.

17 Q Okay. Can you tell me about the  
18 in-service training?

19 A I did a couple of them. I can't even  
20 remember what they was.

21 Q Was it weapons?

22 A No. I don't think that's considered  
23 in-service. That's just requalifying.

Page 34

Page 36

1 Q A Glock?

2 A A Glock Model 23.

3 Q Had you ever handled any type of  
4 weapons prior to your experience with the Raleigh County  
5 Sheriff's Department?

6 A I've just grown up around weapons.

7 Q Shotguns, rifles?

8 A Shotguns, rifles and pistols.

9 Q Okay. Are you a hunter?

10 A No.

11 Q Were you a target shooter?

12 A Just every now and then.

13 Q Okay.

14 A Not avidly.

15 Q So when were the occasions which you  
16 had to use shotguns, rifles and pistols growing up?

17 A Just whenever I wanted to go shoot, I'd  
18 ask my dad to take me.

19 Q Okay. Had you ever used a weapon  
20 without your father prior to the Raleigh County Sheriff's  
21 Department?

22 A No.

23 Q Again, I've got to go back to the

1 Q How often would you have to requalify?

2 A I think two or three times a year. I  
3 can't remember. Don't hold me to that.

4 Q When you were doing your firearms  
5 training for that one or two days, what types of weapons  
6 were you using?

7 A A 12-gauge shotgun and a 40-caliber  
8 handgun.

9 Q Was there any kind of scoring system  
10 for that?

11 A I think you have to score above an  
12 80 percent to pass it.

13 Q Do you remember what your score was?

14 A No.

15 Q Did you do any kind of witness training  
16 skills while you were at the State Police Academy?

17 A Witness training, what's that?

18 Q Where they gave you a fact pattern and  
19 you pretended like you were under oath and had to answer  
20 questions.

21 A Not that I can recall.

22 Q Did they have any discussions on safety  
23 procedures for firearms?

Page 37

Page 39

1 A Yes.  
2 Q Okay. Can you tell me about those?  
3 A Just how to handle the weapons.  
4 Q Did you have any training on nonlethal  
5 forms of weapons, tasers, those kinds of things?  
6 A Yes.  
7 Q Okay. When was that training?  
8 A At the State Police Academy.  
9 Q Okay. Can you tell me about that  
10 training?  
11 A As baton training and chemical weapon  
12 system training.  
13 Q Any other training?  
14 A No, that's it.  
15 Q Did you carry any kind of chemical  
16 agents when you were a Raleigh County Sheriff's  
17 Department Deputy?  
18 A Yes.  
19 Q And what was that?  
20 A Capstun.  
21 Q And did you carry any tasers or  
22 electrical forms of nonlethal --  
23 A No.

1 might need backup support?  
2 A Just ask for it when you need it.  
3 Q Okay. Was it left to the officer's  
4 discretion when you might need it?  
5 A Usually.  
6 Q Okay. When was it unusual?  
7 A Usually, we tried to at least go two  
8 people to a call because that bad of a call if men were  
9 freed up and not busy for safety reasons.  
10 Q Okay. When you say that bad of a call,  
11 what are you talking about?  
12 A Anything where weapons are involved or  
13 people are fighting and stuff like that.  
14 Q Okay. Would you try to have two issues  
15 if there was some sort of domestic issue?  
16 A Yes.  
17 Q What about if there's some form of  
18 robbery?  
19 A Yes.  
20 Q Was there any kind of rule of thumb  
21 that you had with the Raleigh County Sheriff's Department  
22 about how many deputies you'd take on certain calls?  
23 A No.

Page 38

Page 40

1 Q Was there one available in your  
2 vehicle?  
3 A No.  
4 Q Were you given any kind of training on  
5 due process procedures?  
6 A What do you mean due process?  
7 Q When you had the ability to stop  
8 someone, when you had the ability to search their  
9 vehicle?  
10 A Yes.  
11 Q When you had the ability to enter their  
12 home?  
13 A Yes.  
14 Q When you had the ability to enter their  
15 property?  
16 A Yes.  
17 Q Can you tell me about that?  
18 A I can't remember it. It's been so long  
19 ago since I even worked in law enforcement.  
20 Q Did you ever have any training on  
21 approaching potentially armed suspects?  
22 A I'm sure I did but I can't recall it.  
23 Q What about procedures for when you

1 Q Okay. What kind of calls would only  
2 require one deputy?  
3 A Usually, it was only one deputy. You  
4 were fortunate when you got a second one to go with you.  
5 Q Okay. I'm going to talk a little bit  
6 about July 3rd and 4th of 2006. Prior to the evening  
7 shift on July 3rd and 4th and when I say 3rd and 4th, I  
8 guess you know exactly the midnight hours when the date  
9 changes, do you remember the last time you were on duty  
10 prior to that shift?  
11 A No.  
12 Q Okay.  
13 A I was on the day before. I know that  
14 much. I don't know what times. It was midnight shift.  
15 Q Is that what you ran, the midnight  
16 shift?  
17 A Yes.  
18 Q When you started working for the  
19 Raleigh County Sheriff's Department, did you have a shift  
20 schedule that you worked on?  
21 A I worked day shift when I went to the  
22 Police Academy.  
23 Q And then after you got done with the

Page 41

Page 43

1 Academy, you rode with Detective White?  
2 A Randy White.  
3 Q Was that day shift?  
4 A Evening shift.  
5 Q Okay. When you say evening shift, how  
6 many shifts are there?  
7 A There's three.  
8 Q Okay. Can you tell me the times of  
9 each shift?  
10 A I think at that time they staggered.  
11 There's ten different styles of shifts.  
12 Q Is there a style of shift that you in  
13 particular worked when you were a Raleigh County  
14 Sheriff's Deputy?  
15 A I think I worked 2 to 12 when I was  
16 riding with Deputy White.  
17 Q It's 2:00 A.M. to 12 --  
18 A It's 2:00 P.M. to midnight.  
19 Q It's 2:00 P.M. to midnight. Okay. And  
20 after you got done with Deputy White, what was your  
21 shift?  
22 A Day shift.  
23 Q So do you know why you were on the

1 A It was January or March of that year, I  
2 think.  
3 Q You weren't switched to the midnight  
4 shift as any type of punishment or reprimand, were you?  
5 A No.  
6 Q Do you know what time you went on duty  
7 on July 3rd and 4th?  
8 A Either 11:00 P.M., 11:30 or 12:00.  
9 That was usually around about the time.  
10 Q Did you relieve somebody?  
11 A That's just when our shift come on.  
12 Q Okay. Were you doing any other kind of  
13 off-duty work, I think they call it, at the time?  
14 A I think we were doing security for the  
15 Holiday Inn Express on Harper Road.  
16 Q Okay. What did the security work  
17 entail?  
18 A You just sit there in the parking lot  
19 and every now and then go check the hotel and make sure  
20 nobody is stealing the copper out of it.  
21 Q Was the Holiday Inn to your knowledge  
22 paying the Raleigh County Sheriff's Department for this  
23 service?

Page 42

Page 44

1 evening shift on July 3rd and 4th?  
2 A I was on midnight shift.  
3 Q Okay. Why were you on the midnight  
4 shift July 3rd and 4th?  
5 A That's the shift I was put on.  
6 Q Okay. Had you been switched to that  
7 shift at some point?  
8 A I'd been switched probably 10 to 12  
9 times since then, back and forth from evenings and  
10 midnights.  
11 Q Okay. Did it bounce around as you  
12 needed people?  
13 A I don't know why they switched  
14 everybody around.  
15 Q Okay. You don't know why they did  
16 that?  
17 A Huh-uh, (no).  
18 Q Did you work the day shift on July 2nd?  
19 A No. It was midnight shift.  
20 Q Okay. Do you remember when you started  
21 doing the midnight shift prior to July 3rd and 4th?  
22 A No.  
23 Q Was it a couple of months? Was it --

1 A I don't know. I think so. I don't  
2 know who was paying it.  
3 Q Okay. When you were doing this  
4 security work, did you receive any additional  
5 compensation?  
6 A What do you mean?  
7 Q Did you get any more money?  
8 A Yes.  
9 Q Okay. What was your regular rate of  
10 pay as a Deputy Sheriff?  
11 A I'm not sure.  
12 Q Was it a yearly pay? Was it hourly?  
13 A We got paid hourly but it didn't say on  
14 our checks. I never knew how much I made hourly.  
15 Q Okay. Did you ever ask?  
16 A No.  
17 Q What about when you were doing the  
18 security work, was that hourly as well?  
19 A Yes.  
20 Q Okay. Was it a different rate, a  
21 higher rate?  
22 A I think it was 20 or 25 an hour before  
23 taxes.

Page 45

Page 47

1 Q Okay. Were you doing any kind of  
2 security work leading up to or prior to July 3rd and 4th  
3 of 2006?

4 A I was working at the construction site.

5 Q Okay. Where is the construction site?

6 A That was at the Holiday Inn Express.

7 Q Okay. Were they building a Holiday  
8 Inn?

9 A Yes.

10 Q Okay. And you were there to protect  
11 the equipment and the copper and those kind of things?

12 A Yes.

13 Q Okay. What were your hours on your  
14 security work at the Holiday Inn Express?

15 A I think it was 10:00 P.M. till  
16 6:00 A.M.

17 Q If you can remember, what are the dates  
18 that you were working security work for the Holiday Inn  
19 Express?

20 A I can't remember.

21 Q Did you do any in June of 2006?

22 A Yeah, probably.

23 Q So sometime in January/March you

1 get?

2 A Two.

3 Q Is the Holiday Inn Express the only  
4 place you did any kind of off-duty security work?

5 A I worked at the Crossroads Mall and the  
6 Mine Academy and Taco Bell.

7 Q Were these like places that had  
8 frequent problems that would hire the security personnel?

9 A Taco Bell had frequent robberies. I  
10 don't know why we was at the Mine Academy. And what was  
11 the other one?

12 Q Crossroads Mall.

13 A They started that before I started at  
14 the Sheriff's Office.

15 Q Okay.

16 A I don't know what the reason was for  
17 that.

18 Q When you do the off-duty security work,  
19 would you have a cruiser?

20 A Yes.

21 Q What would you wear when you were doing  
22 the off-duty security work?

23 A Your uniform.

Page 46

Page 48

1 started doing the midnight shift?

2 A Yeah.

3 Q And in June. What's the midnight shift  
4 go from?

5 A It varied. Every time they changed  
6 shifts, the time changes usually.

7 Q Okay. Can you give me an  
8 approximation?

9 A Between 11:00 and 12:00 P.M. to  
10 whatever in the morning --

11 Q Okay.

12 A -- to 7:00 or 8:00.

13 Q Were you working the midnight shift in  
14 June of 2006?

15 A Yes.

16 Q And you were also doing security work  
17 in June of 2006 for the Holiday Inn Express?

18 A Yes.

19 Q Were you doing them both at the same  
20 time?

21 A No. It was my days off I worked at the  
22 construction site.

23 Q Okay. How many days off a week did you

1 Q Was there a standard uniform that the  
2 Sheriff's Department wore?

3 A Just short sleeve or long sleeve,  
4 depending on what time of year it was.

5 Q Okay. At anytime were you allowed to  
6 wear some kind of T-shirts and military fatigue pants,  
7 something like that?

8 A For like the hotel site, you could, but  
9 they didn't like it. It had to be Sheriff's Department  
10 issue.

11 Q When you say they didn't like it, who  
12 is they?

13 A I think Corporal Stan Ellison was in  
14 charge of it and he wanted everybody in Class A uniforms.

15 Q Do you know why?

16 A More professionalism.

17 Q Okay. Do you remember what time you  
18 came on duty on July 3 and 4th of 2006?

19 A At 11:00, 11:30 or 12:00, one of those  
20 times. I think at 11:00.

21 Q Okay. Did you have any calls that  
22 night?

23 A Yes.

Page 49

Page 51

1 Q Okay. Do you remember those calls?

2 A I can just remember one of the calls  
3 that night.

4 Q Which call is that?

5 A The shooting incident.

6 Q Okay. The Robert Webb call?

7 A Yes.

8 Q Did you have any calls before that?

9 A I can't recall.

10 Q Okay. What did you do after you came  
11 on duty that night?

12 A I can just remember going to meet up  
13 with Deputy Kade and speak with him.

14 Q Okay. Where did you go meet up with  
15 Deputy Kade?

16 A He was working at the construction  
17 site.

18 Q Okay. Why did you go meet up with  
19 Deputy Kade?

20 A I just went up there to talk to him, no  
21 particular reason. I just knew it was his night to work.

22 Q Okay. Do you remember if that night  
23 was a busy night or a slow night?

Page 50

1 A I can't remember. Apparently, it was  
2 slow because I didn't have any calls and that's why I  
3 went to talk to him.

4 Q And what were you guys talking about?

5 A I just went up there just to talk,  
6 nothing in particular.

7 Q To pass the time?

8 A Yeah.

9 Q Okay. Do you know when the last time  
10 Deputy Kade had worked prior to his security off-site  
11 work?

12 A No.

13 Q Do you know what his shift was at that  
14 time?

15 A I believe he was on the midnight shift  
16 with me if I recall correctly.

17 Q But he was off that night?

18 A Yes.

19 Q What was he wearing when you got to the  
20 construction site?

21 A His Class A uniform.

22 Q Okay. What was going on at the  
23 construction site?

1 A Nothing.

2 Q Okay. How long were you speaking with  
3 Deputy Kade at the construction site?

4 A I can't recall. Less than an hour I'd  
5 say.

6 Q Do you remember what time you got to  
7 the construction site?

8 A No.

9 Q Okay. Do you remember what time the  
10 call came in for Robert Webb?

11 A I'm thinking around 12:50 A.M., if I'm  
12 thinking correctly.

13 Q Where exactly was the construction site  
14 of the Holiday Inn Express? I'm not familiar with the  
15 area.

16 A On Harper Road.

17 Q Is it the one that's right off the  
18 exit?

19 A It's right beside Country Inns and  
20 Suites.

21 Q Okay. Do you remember the specific  
22 call that came in?

23 A That there's a man with possibly a

Page 52

1 pistol shooting at his own residence.

2 Q Okay. What happened after that?

3 A What do you mean?

4 Q Well, I assume you took the call?

5 A Yes.

6 Q Okay. How was it that Deputy Kade left  
7 the security off-job duty and joined you to go to Robert  
8 Webb's home?

9 A It just sounded like a bad call and he  
10 said he'd back me up on it.

11 Q Okay. So what's the process if you're  
12 going to -- was that something that you did when you're  
13 working off-duty security work?

14 A If it was close to the area, yes.

15 Q Okay. Do you know how many times you  
16 might have signed off from your off-duty security work  
17 and signed on as Raleigh County Sheriff's Deputy?

18 A I can't recall.

19 Q Okay. Handful? More than a handful?

20 A Probably, a handful.

21 Q Okay.

22 A Just if people were close by.

23 Q When you got the call, do you know what

Page 53

1 the call was classified as?

2 A It was classified as a shooting.

3 There's somebody shooting at their house.

4 Q Okay. Does that have a specific code  
5 or is that a specific thing? Is it a domestic call, a  
6 robbery?

7 A Just a shooting is what we called it.

8 Q Okay. Was this considered an emergency  
9 call?

10 A Yes.

11 Q Okay. Why was it considered an  
12 emergency call?

13 A Because someone was shooting.

14 Q Okay. Is there any special procedure  
15 that you had to follow as a Raleigh County Sheriff's  
16 Deputy if it was an emergency call?

17 A I can't recall exactly.

18 Q So you were typically allowed to leave  
19 an off-job, an off-duty site?

20 A If someone needed backup, yes.

21 Q Okay. Was that some kind of deal that  
22 the Raleigh County Sheriff's Department had worked out  
23 with whomever?

Page 54

1 A I have no idea.

2 Q When you left your off-duty security  
3 site and you went on duty for your Raleigh County  
4 Sheriff's Deputy work, did you get paid for both or did  
5 you have to keep your time straight?

6 A You mean get paid for both?

7 Q Uh-huh, (yes).

8 A Well, I can't remember how it worked  
9 out but you didn't get paid for both.

10 Q When the call came in, did you know  
11 where the area you were going was, where it was located?

12 A Yes.

13 Q Okay. Deputy Kade took his cruiser and  
14 you took yours?

15 A Yes.

16 Q Okay. Who led the way?

17 A I believe I did.

18 Q Okay. Did you turn on your hazard  
19 lights?

20 A Blue lights and sirens.

21 Q Okay. You turned on the siren as well?

22 A When we got in traffic. When there's  
23 no traffic, you don't run the siren.

Page 55

1 Q Okay. So where did you proceed from  
2 the Holiday Inn on Harper Road to the call?

3 A We got onto the interstate and went  
4 south to the Sophia exit.

5 Q Okay. Were you wearing a bulletproof  
6 vest at the time the call came in?

7 A No.

8 Q What about Deputy Kade, was he wearing  
9 a bulletproof vest?

10 A I don't believe so but I can't swear to  
11 that.

12 Q Do you know when Deputy Kade was  
13 supposed to come on duty next after his off-duty security  
14 work?

15 A I believe he was off for a couple of  
16 days or something like that. I can't remember.

17 Q Had you personally ever been on a call  
18 before with regard to a possibly armed person?

19 A Yes.

20 Q Okay. Do you remember how many times  
21 you'd been on calls where there was a possibly armed  
22 person?

23 A Numerous.

Page 56

1 Q Can you give me some details about any  
2 specific one?

3 A There's so many of them, I can't  
4 remember them.

5 Q Were those domestic calls where  
6 somebody was holding a gun, a bat, a knife to their wife  
7 or something like that?

8 A Domestic or just fights?

9 Q Okay. Anything at a bar or anything  
10 like that?

11 A Yes.

12 Q And I take it you'd done a lot of  
13 domestic calls while you were a Raleigh County Sheriff's  
14 Deputy?

15 A Yes.

16 Q Was there any specific procedure you'd  
17 follow for a domestic call?

18 A You just had to make the female and the  
19 male both aware of the Domestic Violence Petition. And  
20 if either person has been struck by the other one, you  
21 had to arrest them for Domestic Battery.

22 Q Okay. When you'd come on a domestic  
23 call and you'd go to somebody's house to find out what

Page 57

1 was going on, would you park down the street or would you  
2 pull in front of their house?

3 A It just depends on how the call come  
4 out and how bad it was or --

5 Q Okay. So what kind of call would be  
6 necessary for you to bring your cruiser in front of the  
7 person's home?

8 A Something that just wasn't as violent,  
9 like, using weapons, guns, and stuff like that.

10 Q Okay. And when you did that, would you  
11 come in with your lights on and your siren?

12 A No. You'd turn your lights off before  
13 you get close to the house.

14 Q And I guess you'd go up and knock on  
15 the front door or ring the door bell or whatever?

16 A Yes.

17 Q Okay. Is a domestic call considered an  
18 emergency call?

19 A Yes.

20 Q What's a nonemergency call?

21 A One that doesn't involve someone's life  
22 in danger and their well being.

23 Q Were you given any specific training on

Page 58

1 how to approach domestic calls?

2 A Just with caution that I can remember.  
3 I'm sure we were taught something else, those little  
4 things.

5 Q Okay. So what kind of situations would  
6 require you to park your cruiser away from the home and  
7 approach?

8 A If someone had a gun out.

9 Q And this was something you were trained  
10 to do?

11 A Yes.

12 Q Okay. Do you know why they trained you  
13 to do that?

14 A Because if you pull up in front of the  
15 house and they have a gun, you're an easy target.

16 Q As I understand it, there are two  
17 different routes from the Holiday Inn where the off-site  
18 security work was being done to where the Webb call was  
19 to. There's two different routes to get there?

20 A Yes.

21 Q Okay. What's the other route other  
22 than the interstate?

23 A Down back roads. Beside Wendy's off of

Page 59

1 Harper Road, down that way, there's some back roads that  
2 comes up on the back side of Cabell Heights Road.

3 Q And as we sit here today, you believe  
4 you're the one who led the way?

5 A Yes.

6 Q Which of the two routes is longer?

7 A The one that we took.

8 Q Okay. Why did you take the longer  
9 route?

10 A I wasn't familiar with the other way  
11 that well. I never used it.

12 Q Do you know if Deputy Kade knew the  
13 area?

14 A I don't know.

15 Q And you say your lights were on the  
16 entire way?

17 A Yes, until we parked our cars.

18 Q And your siren was only on when you  
19 were in traffic?

20 A Yes, to get around vehicles.

21 Q Okay. Did you run into much traffic  
22 that night?

23 A A couple of times.

Page 60

1 Q What were you doing on the way to the  
2 call? Did you call dispatch is what I'm asking?

3 A I just asked them for directions and  
4 stuff like that.

5 Q Okay. Did you ask for any additional  
6 information on the call?

7 A I believe we probably asked for some  
8 updates. We always usually did to see if the situation  
9 had escalated and worse or not.

10 Q Did you talk to Deputy Kade in anyway  
11 on the way to the call?

12 A I don't believe so.

13 Q Okay. How long did it take you to get  
14 from the security site at the Holiday Inn to where you  
15 parked your vehicles?

16 A Probably, five to ten minutes roughly.

17 Q Were you given any form of description  
18 of Robert Webb on the way to the call?

19 A I believe so.

20 Q You said you weren't familiar with the  
21 other route to get to the neighborhood. Were you  
22 familiar with the neighborhood?

23 A Not real familiar with it. I just knew

1 where Cabell Heights Road was.

2 Q Okay. As I understand it, Cabell  
3 Heights Road is some kind of shortcut to get between two  
4 places.

5 A It connects between two places, between  
6 Wickham Road and Old Eccles Road.

7 Q Okay. Had you used that road before?

8 A I can't recall ever using it.

9 Q What were you told about the area that  
10 you were traveling to?

11 A What do you mean?

12 Q Were you given any description about  
13 the area, the road you were looking for, the area you  
14 were looking for, the house you were looking for?

15 A I think they said the house -- they  
16 gave a description of it which I can't remember what the  
17 color was. And they said it was a house on the corner of  
18 Primrose Lane and Cabell Heights Road.

19 Q Did they tell you which side of the  
20 street it was on?

21 A Yes.

22 Q Are there telephones, cell phones, in  
23 your cruisers?

1 A No.

2 Q Did the Sheriff's Department issue any  
3 type of cell phone?

4 A No.

5 Q Okay. Did you have a personal cell  
6 phone at the time?

7 A Yes.

8 Q Somehow, did you ever speak directly to  
9 the caller that dispatch was speaking to?

10 A No.

11 Q Could you have asked dispatch to speak  
12 to the caller?

13 A I guess you could have.

14 Q Had you ever asked dispatch to speak to  
15 a caller who was on the phone?

16 A No.

17 Q Do you know if anybody in the  
18 Department ever did?

19 A No, I don't know.

20 Q Was there any kind of check done on  
21 Robert Webb to see if he had any prior violent issues on  
22 the way?

23 A No.

1 Q Could you have done that on the way to  
2 the Webb home?

3 A Well, you'd have to have his date of  
4 birth and stuff like that to check it. So many people  
5 with the same name around here.

6 Q Could you have checked it with his name  
7 and address?

8 A Possibly, with just his name. You'd  
9 have to call the office.

10 Q But no check was done on Robert Webb?

11 A No, sir.

12 Q Okay. You were the first one to pull  
13 in the neighborhood?

14 A Yes.

15 Q Okay. And Deputy Kade was behind you  
16 in a cruiser?

17 A Yes.

18 Q Where did you park?

19 A We parked on Cabell Heights Road.

20 Q Okay. There's a couple of houses on  
21 that road, did you park in someone's driveway, in  
22 someone's yard, on the side of the road?

23 A In a wide spot on the side of the road.

1 Q And they said that the home that you're  
2 looking for was on the corner of Cabell Heights and what  
3 road?

4 A Primrose.

5 Q Okay. Could you see Primrose from  
6 where you parked your vehicles?

7 A No.

8 Q Was there something obstructing your  
9 view of Primrose?

10 A The road just turns and you can't see  
11 past it.

12 Q There were no trees or anything  
13 obstructing your view?

14 A Yes. There's trees all along that side  
15 of the road and the road is winding.

16 Q Did you see anybody else in the  
17 neighborhood when you pulled in?

18 A No.

19 Q Did any cars drive by while you guys  
20 parked?

21 A I believe one did.

22 Q Did you have your lights on at that  
23 time?

Page 65

Page 67

1 A We had already parked and started  
2 walking at that time.

3 Q Okay. At what point did you turn your  
4 lights off?

5 A Right before we parked, right when we  
6 were turning on to Cabell Heights Road.

7 Q Okay. So did you make a left-hand  
8 turn or a right-hand turn onto Cabell Heights?

9 A Right-hand.

10 Q Okay. And did you turn off your lights  
11 as soon as you made the turn?

12 A Right before.

13 Q Right before you made the turn. And  
14 why did you turn them off before you made the turn?

15 A Sometimes blue lights and flashing  
16 lights give away people that want to fight and cause  
17 problems.

18 Q Okay. And do you remember if you  
19 parked -- you said it was a wide spot on the road. Was  
20 it in front of a house?

21 A Yes.

22 Q Do you remember how many houses were on  
23 that road?

1 A Yes.

2 Q On this particular call, you were  
3 looking for three officers?

4 A In bad situations, if they were freed  
5 up, people would go.

6 Q Okay. Had you ever worked calls where  
7 three officer showed up?

8 A Yes.

9 Q What kind of situations were those?

10 A Bar fights and stuff like that and  
11 stabbings and other shootings.

12 Q Did you feel like you needed a third  
13 officer on that job?

14 A I don't know how to word it but it's  
15 probably better to have three when we had more coverage  
16 and you don't get ambushed from behind.

17 Q But after you learned that the third  
18 officer wasn't coming, you proceeded anyway?

19 A Yes.

20 Q Was your cruiser equipped with a  
21 tactical shotgun?

22 A Yes.

23 Q Okay. Did you take your tactical

Page 66

Page 68

1 A No.

2 Q Did you park on the left side or the  
3 right side?

4 A The left-hand side.

5 Q Okay. After you parked your vehicles,  
6 what did you do after that?

7 A I can't recall exactly what we did. I  
8 know I put a bulletproof vest on.

9 Q Okay. You put them on after you got  
10 there?

11 A Yeah.

12 Q Did Deputy Kade put his on as well?

13 A I believe so.

14 Q At one point prior to exiting the  
15 vehicle, did you ask if Jim Bare was coming to the call?

16 A I believe so.

17 Q Okay. Why did you ask if Jim Bare was  
18 coming to the call?

19 A Just to see if he was coming up towards  
20 our way to help us because we had a bad situation.

21 Q Okay. You testified earlier in this  
22 deposition that it was usually one officer and you were  
23 lucky if you got two.

1 shotgun?

2 A No.

3 Q Why not?

4 A I'm more comfortable carrying a pistol.

5 Q Did you ever consider taking your  
6 shotgun?

7 A No.

8 Q Did Kade take a shotgun?

9 A Yes.

10 Q Did you question that at all?

11 A No.

12 Q Did you take any other weapons with  
13 you?

14 A You mean firearms?

15 Q Lethal or nonlethal?

16 A I don't know if I had my baton at that  
17 time but possibly my baton and capstun.

18 Q And at that time, you did not have  
19 tasers in the car?

20 A No.

21 Q And did not have tasers on your belts?

22 A No.

23 Q Did you have a flashlight?

Page 69

Page 71

1 A Yes.  
2 Q Okay. Did both of you have  
3 flashlights?  
4 A I believe so.  
5 Q Okay. Did you see any cars after you  
6 got out of the vehicle come through?  
7 A Just that one.  
8 Q Was that before or after you got out of  
9 the vehicles?  
10 A That was after we were out of the  
11 vehicles.  
12 Q Okay. Did you wave that car on with a  
13 flashlight?  
14 A I can't recall.  
15 Q At what point did you see the Robert  
16 Webb home as you were approaching up Cabell Heights?  
17 A We were about two or three houses down  
18 from it.  
19 Q Were you and Deputy Kade speaking about  
20 the call on the way up?  
21 A Yes.  
22 Q Okay. What were you talking about?  
23 A We could hear music playing real loud.

Page 70

Page 72

1 Q Okay.  
2 A We figured that was the house that we  
3 were going to.  
4 Q When you got out of your vehicle, did  
5 you hear anything?  
6 A No.  
7 Q It was dead quiet?  
8 A Yes.  
9 Q Okay. At what point did you start  
10 hearing music?  
11 A When we were about two or three or four  
12 houses away.  
13 Q Two, three, four houses away. So you  
14 parked more than three houses away?  
15 A Yes.  
16 Q So after you heard the music you  
17 believed that was the home you were going to?  
18 A Yes.  
19 Q Were you advised by dispatch at anytime  
20 that Robert Webb had not fired a weapon in some time?  
21 A I can't recall.  
22 Q Do you know if this call came in  
23 through 911 or through the administration line?

1 A I would assume 911.  
2 Q Okay. That's just an assumption. You  
3 have no knowledge of it?  
4 A No.  
5 Q Did you follow all proper procedures in  
6 responding to the Webb call?  
7 A Yeah.  
8 Q Okay. Can you tell me after you exited  
9 the vehicle, what are the proper procedures for  
10 responding to this type of call?  
11 A I can't recall.  
12 Q You can't recall but you know that you  
13 followed them?  
14 A I did what I was trained to do. I  
15 guess I should have worded that different.  
16 Q Is there a, for a lack of a better way  
17 of putting it, a graduating scale or a hierarchy of when  
18 you're to use different degrees of force in Raleigh  
19 County?  
20 A You're just trained to use what one  
21 step of force above what they're going to be using  
22 against you.  
23 Q Okay. Were you trained in the times

1 when you used lethal versus nonlethal force?  
2 A You use lethal when your life is in  
3 danger or someone's life is in danger.  
4 Q Okay. And you didn't know when you  
5 approached the Webb home whether you would need to use  
6 lethal or nonlethal force. Correct?  
7 A No.  
8 MR. WILLIAMS: Objection. Calls for  
9 speculation.  
10 BY MR. GRIFFITH:  
11 Q Okay. Did you know as you approached  
12 the Webb home whether or not you would need to use lethal  
13 or nonlethal force?  
14 MR. WILLIAMS: Objection. Calls for  
15 speculation.  
16 BY MR. GRIFFITH:  
17 Q You can answer.  
18 A We did not know but we always assume  
19 considering we were told that he was possibly armed with  
20 a pistol.  
21 Q As you pulled in the neighborhood,  
22 couldn't you have used your cruisers for some form of  
23 cover?

Page 73

1 A That makes you a target when you roll  
2 in that way. You're trained not to pull up in front of a  
3 bad situation like that.

4 Q Wouldn't the siren and lights announce  
5 your presence as law enforcement?

6 A Yes.

7 Q And most times, aren't you required to  
8 announce your presence as law enforcement?

9 A What do you mean?

10 Q Well, when you're trying to apprehend a  
11 suspect, it's generally -- unless you're in lethal danger  
12 to announce your presence, we are the police. Correct?

13 A Yes, you do.

14 Q Because you were the lead car, I guess  
15 it was your decision to leave the vehicles where you left  
16 them?

17 A No. There was just a wide spot and  
18 that's where we pulled off at. Deputy Kade said park  
19 right there.

20 Q Okay. So you were talking to Deputy  
21 Kade as you were parking?

22 A Yes.

23 Q Was this over the radio?

Page 74

1 A Yes.

2 Q And he told you to park there?

3 A He said let's park right here and that  
4 was a wide spot so that's where I assumed he was speaking  
5 of.

6 Q Okay. Had you ever met Robert Webb  
7 prior to this call?

8 A No.

9 Q Do you know if Deputy Kade knew or met  
10 Robert Webb?

11 A I have no idea.

12 Q Distancewise, do you know about how far  
13 the house was where you were heading from your vehicles?

14 A A quarter of a mile, rough guess.

15 Q Did you go in front of the Webb home at  
16 any point?

17 A What do you mean, walking or anything?

18 Q I meant walking, yes.

19 A Yes.

20 Q Okay. Did you walk to the front door?

21 A We walked to the front gate.

22 Q Okay.

23 A It was pad locked shut.

Page 75

1 Q Okay. Did you try to get through the  
2 gate?

3 A No, it was locked.

4 Q Well, how do you know if it was locked  
5 if you didn't try to go through it?

6 A There was a padlock on it and it was  
7 snapped shut.

8 Q Okay. So you had to shine the  
9 flashlight on it?

10 A Yes.

11 Q When did you first see Robert Webb?

12 A When we were two houses down from  
13 his, we could see him walking from his truck to the  
14 garage.

15 Q So you physically saw him from what  
16 distance?

17 A From 50 to 70 yards probably.

18 Q Okay. And you literally saw him  
19 walking back and forth from his truck to his garage?

20 A I could see his upper torso and his  
21 head. That's all I can recall seeing.

22 Q Okay. You could see that above -- was  
23 there anything parked in the driveway?

Page 76

1 A Yeah. It was going above his hood.

2 The front end of his truck was blocking the view.

3 Q And there was a truck in the driveway?

4 A Yes.

5 Q Was there any other vehicle in the  
6 driveway?

7 A No.

8 Q Were there any other objects in the  
9 driveway?

10 A Not that I recall.

11 Q Could you see any portion of the  
12 driveway from where you were two houses away when you  
13 saw Robert Webb?

14 A No.

15 Q Could you see what he was doing walking  
16 back and forth from his truck?

17 A No, just his upper torso and his head.

18 Q Was he carrying anything?

19 A I couldn't see.

20 Q When next did you see Robert Webb?

21 A When we were in front of the house, his  
22 music stopped and he walked over to his truck and we  
23 could see his feet underneath the vehicle.

Page 77

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

Page 78

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

Page 79

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.

Page 80

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.

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.

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 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.

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?

Page 89

Page 91

1 A He was just letting me know in case I  
2 couldn't see his hands were empty when they were resting.

3 Q You did observe Robert Webb and you  
4 actually saw his physical person when you were looking at  
5 him through the trees prior to the approach. Correct?

6 A I could see a silhouette of his face  
7 and I could see his legs out from under the vehicle.

8 Q Okay. Was there any lighting in the  
9 driveway of the Webb home?

10 A The streetlight above the garage, on  
11 the garage.

12 Q There's a streetlight on the garage,  
13 like a dusk-till-dawn?

14 A I believe so.

15 Q Okay. Was that one of the halogen  
16 lights?

17 A I believe so.

18 Q Okay. Once you got to the driveway  
19 area, was that a well-lit area?

20 A Yes.

21 Q As you looked at him through the trees,  
22 you could see him. You could see the silhouette of his  
23 body under the light.

1 armed or not.

2 Q Okay. From the time that you arrived  
3 in the neighborhood when you parked your vehicles to the  
4 time of the shooting, did you ever hear one shot go off?

5 A No.

6 Q Did Robert Webb ever fire a weapon?

7 A Not at us, no.

8 Q Not at you?

9 A No.

10 Q I guess I should clarify the question.

11 We've established that from the time you got there to the  
12 time of the shooting, you heard no shots.

13 A No.

14 Q Okay. And Robert Webb never fired a  
15 shot at you or Deputy Kade?

16 A No.

17 Q And his weapon was not fired from the  
18 time you got there. Correct?

19 A No.

20 Q Okay. After the shots were fired, you  
21 called for EMS. Correct?

22 A Yes.

23 Q And that was you that did that, not

Page 90

Page 92

1 A Yes.

2 Q Okay. And he had no idea that you were  
3 there. Correct?

4 MR. WILLIAMS: Objection. Calls for  
5 speculation.

6 BY MR. GRIFFITH:

7 A I don't believe so.

8 Q Okay. Based on his actions, did you  
9 believe that he knew you were there?

10 A Probably not.

11 Q Was it dark where you were watching  
12 him?

13 A I believe there was another street-  
14 light down the road that lit up where I was.

15 Q Okay. Did you have cover where you  
16 were observing him?

17 A No.

18 Q There were no trees, nothing that you  
19 could stand behind?

20 A Not when I was observing him, no.

21 Q What stopped you from announcing your  
22 presence at that point to determine his intentions?

23 A We were too far away to see if he was

1 Deputy Kade?

2 A Yes.

3 Q Okay. How long after the shots were  
4 fired did you call EMS?

5 A As soon as we seen he was unarmed,  
6 that's when I got on the radio and yelled for help.

7 Q Okay. What did you do after you got on  
8 the radio and yelled for help?

9 A I walked over there and I didn't want  
10 to touch him because he was bloody and I looked at him  
11 and he didn't appear to be breathing in anyway.

12 Q Okay. So after you called EMS, you  
13 walked to Robert Webb's body?

14 A Yes.

15 Q Did Kade walk there with you?

16 A I believe he was behind me but I can't  
17 recall that.

18 MR. WILLIAMS: Is this a good time?

19 MR. GRIFFITH: Do you need a break?

20 (WHEREUPON, there was a short  
21 break in the proceeding)

22 BY MR. GRIFFITH:

23 Q Mr. Hajash, we're back on the record

Page 93

Page 95

1 with regard to this deposition and I believe we left off  
2 where Kade had informed you that Robert Webb was unarmed  
3 and you could stop firing. And I was trying to figure  
4 out exactly where you were with regard to the truck and  
5 you told me. I'm going to try to find a blank sheet of  
6 paper here. Sir, if you wouldn't mind, if you could kind  
7 of draw it out for us and show us where the driveway is  
8 and where the truck is and where you are and where Kade  
9 is and, you know, we're not grading on artistic quality  
10 here. I'm just trying to get a general diagram of where  
11 you are so I can understand exactly.

12 A Now, what are you wanting to see? When  
13 I finally seen his hands or --

14 Q Yeah. I want to see the area that you  
15 approached and just show me where you ended up when the  
16 shooting occurred. If you want to put a "K" where Deputy  
17 Kade was and an "H" where you were, that would work.

18 MR. WILLIAMS: You know, I just want to  
19 be sure. We're depicting here the positions  
20 after the shots were fired?

21 MR. GRIFFITH: At the point the shots  
22 were fired.

23 MR. WILLIAMS: Oh, at the point the

1 fired your third shot?

2 A Yes.

3 Q Okay. So as I'm taking it, you were I  
4 think you said, a couple of feet off of the rear bumper.

5 A Yeah. Right behind the tailgate.

6 Q Okay. And then you were able to fire  
7 around, not under the truck?

8 A By the time he went from there and  
9 fell, I could see, like -- I didn't see his hands but I  
10 could see his shoulders and stuff. That's when I fired  
11 my third shot. Then I believe it was his right arm I  
12 seen come over.

13 Q Okay.

14 A And to hold a rifle, you have to have  
15 both hands so --

16 Q Okay. And I was asking you, you know,  
17 which way you turned and another way I can look at it.  
18 When he turned and pointed something at you, did he turn  
19 clockwise or counterclockwise?

20 A I believe he turned counterclockwise  
21 but --

22 Q And he raised --

23 A -- something --

Page 94

Page 96

1 shots were fired.

2 MR. GRIFFITH: At the point the shots  
3 were fired. I'm just trying to figure out.

4 BY MR. GRIFFITH:

5 Q And just to be clear, actually, my  
6 partner here was telling me I'm not very clear about  
7 where your third shot was, too.

8 A In the same spot.

9 Q Okay. Can you tell me -- go ahead. Go  
10 ahead. I'm sorry.

11 A Oh, I'm done.

12 Q You're done?

13 A Yeah.

14 Q Okay.

15 A Well, for the third shot -- no,  
16 actually there are five shots. Right?

17 Q I'm actually asking where Kade fired  
18 his first shot.

19 A Okay. He stayed in the same spot as  
20 far as I know and I stayed in the same spot. That's  
21 where he was before it started.

22 Q Okay. And were you standing in the  
23 same spot that you've drawn on this diagram when you

1 Q to his right shoulder?

2 A -- after he had already stopped turning  
3 and, like, seen Deputy Kade.

4 Q Uh-huh, (yes).

5 A Before he raised it, he eyeballed  
6 Deputy Kade for a couple of seconds.

7 Q Okay. So a couple of seconds went by  
8 between --

9 A Maybe, two seconds but it seemed like  
10 longer.

11 Q So maybe it was two seconds and then he  
12 -- two seconds before he turned or two seconds before he  
13 raised his weapon allegedly?

14 A He turned around and he was stopped and  
15 had the rifle down and looked at Kade like he knew where  
16 he was going to aim the rifle and then raised it.

17 Q And the way he raised it, I mean, he  
18 raised it to take aim?

19 A Yeah. He put it to his shoulder in the  
20 firing position.

21 Q And the firing position is the gun to  
22 the right shoulder and the left hand holding the gun. He  
23 was actually holding the gun up?

Page 97

1 A Yes.

2 Q Okay. And at that point, Deputy Kade

3 fired the first shot?

4 A Yes.

5 Q And you fired immediately after, almost

6 simultaneously?

7 A Yes. He was still holding the rifle

8 and I shot twice.

9 Q Okay.

10 MR. GRIFFITH: If there are no

11 objections, I'd like to attach the diagram as

12 Exhibit A.

13 MR. WILLIAMS: I have no objection to

14 it being attached. Just a notation that it's

15 obviously not to scale --

16 MR. GRIFFITH: Oh, absolutely.

17 MR. WILLIAMS: -- and to his best

18 recollection and that's all.

19 MR. GRIFFITH: Absolutely, I'm with you

20 Chip.

21 (WHEREUPON, Hajash Deposition

22 Exhibit A was marked for

23 identification purposes)

Page 98

1 BY MR. GRIFFITH:

2 Q And correct me if I'm wrong, I think we

3 were at the point where I asked you what you did after

4 the shooting was over and you told me that you approached

5 Robert Webb's body?

6 A Yes.

7 Q Okay. And do you remember if Deputy

8 Kade approached Robert Webb's body?

9 A He was behind me and I really can't

10 recall.

11 Q Okay.

12 A I don't want to speculate on that.

13 Q When you approached Robert Webb's body,

14 were you still cautious at that point? Did you still

15 have your weapon drawn?

16 A Yes. Because I didn't know if someone

17 else was in the garage because the garage door was open.

18 Q After you reached Robert Webb's body,

19 did you look at Robert Webb?

20 A Yes.

21 Q Okay. And I think you said you did not

22 touch him?

23 A No. He had too much blood on him and I

Page 99

1 didn't have Playtex gloves.

2 Q Okay. So did you check his vitals in

3 any way?

4 A I looked at his chest because you could

5 see it and I was looking for his movement and I didn't

6 see none.

7 Q Okay. It did not appear like he was

8 breathing?

9 A No. He was not moving whatsoever.

10 Q Okay. What did you do after that?

11 A I went and cleared the garage and made

12 sure no one else was in there.

13 Q Okay. When you say you cleared the

14 garage, you approached the garage with your handgun

15 drawn?

16 A Yes.

17 Q And you went through. Was the garage

18 lit?

19 A I can't remember. I remember I had my

20 flashlight anyways.

21 Q Okay. So were you holding your

22 flashlight and your weapon?

23 A Yes.

Page 100

1 Q Okay. After you cleared the garage,

2 what was Deputy Kade doing while you were clearing the

3 garage?

4 A I believe he was still out in the

5 driveway, keeping an eye out making sure nobody snuck

6 around on us.

7 Q Okay. What happened after that, after

8 you cleared the garage?

9 A We were waiting on the EMS and our

10 supervisor to get there.

11 Q Okay. Did you talk to Deputy Kade

12 after the shooting?

13 A One thing I remember him saying is he

14 can't believe we had to just shoot somebody because he

15 was going to shoot us.

16 Q Okay. Did you speak to anybody else?

17 A Ms. Webb came out of her house and

18 asked what was going on.

19 Q Okay. And what did you tell her?

20 A We told her to step back inside and

21 we'd be with her in a minute.

22 Q Okay. When you said we told her, did

23 you say that?

Page 101

Page 103

1 A Yeah, I said that.  
2 Q Okay. Did she step back inside?  
3 A I think she asked again and I told her  
4 the same thing.  
5 Q Okay.  
6 A Then finally, she looked -- she could  
7 see under the truck, I think, from her house. It's lower  
8 than the driveway. She looked at him laying in the  
9 driveway and asked who shot who.  
10 Q Okay. Did you tell Ms. Webb that if  
11 she did not go back in her home she would be arrested for  
12 obstruction?  
13 A I can't remember saying that.  
14 Q Okay. How long did it take EMS to get  
15 there? That's what I want to ask.  
16 A I can't even remember. It seemed like  
17 forever but --  
18 Q Okay. Did you see a weapon when you  
19 approached Robert Webb?  
20 A It was at his feet where he dropped it.  
21 When he fell down, I guess he dropped it.  
22 Q Okay. Where was it? Was it between --  
23 where was it in association with the truck?

1 investigation.  
2 MR. GRIFFITH: You're right. You're  
3 right. I'll ask it again. I'll reask.  
4 BY MR. GRIFFITH:  
5 Q During anytime that you and Deputy Kade  
6 were in the area after the shooting alone with no one  
7 else around, did Deputy Kade leave your sight?  
8 A Not till our supervisor got there to  
9 relieve us.  
10 Q Okay. And during that entire time, did  
11 you see Deputy Kade touch the weapon?  
12 A No.  
13 Q So neither of you checked to see if the  
14 safety was on on the weapon?  
15 A No.  
16 Q Was the weapon ever checked by you or  
17 Kade to see if it was loaded?  
18 A Not that I'm aware of.  
19 Q Was it ever checked to see if the  
20 safety was on ever?  
21 A You mean by me or Kade?  
22 Q By you or Kade?  
23 A Not by me.

Page 102

Page 104

1 A Right below the driver's side door.  
2 Q Okay. Did you touch the weapon?  
3 A No.  
4 Q Did Deputy Kade touch the weapon?  
5 A No.  
6 Q So the weapon remained in the exact  
7 same position that it was in after the shooting as when  
8 EMS and the other people arrived?  
9 A Yes.  
10 Q Okay. So neither of you checked to see  
11 if the weapon was loaded?  
12 A No.  
13 Q Neither of you checked to see if the  
14 weapon had a safety feature?  
15 A I didn't. I don't know if Deputy Kade  
16 did or not.  
17 Q Okay. At anytime during the investi-  
18 gation, was Deputy Kade out of your sight?  
19 A No. We were always in each other's  
20 sight.  
21 Q Okay.  
22 MR. WILLIAMS: I'm going to object to  
23 the form because you said during the

1 Q Okay. Did you speak to anyone in the  
2 neighborhood?  
3 A No.  
4 Q After the shooting, did any people come  
5 out of their homes?  
6 A The neighbor directly across from their  
7 driveway come out and told his dog to shut the hell up.  
8 Then he walked back in the house.  
9 Q Okay. He did not speak to you or  
10 Deputy Kade at all?  
11 A No.  
12 Q Did he approach the shooting scene at  
13 all?  
14 A No.  
15 Q Did you personally ever speak to the  
16 people who called the police?  
17 A No.  
18 Q Did you ever personally speak with any  
19 person in the Webb family?  
20 A No.  
21 Q Okay. At any point, did any other  
22 members of the Webb family come to the area?  
23 A Not while I was there, I do not believe.

Page 105

1 Q Okay. Who was the first to arrive  
2 at the site of the shooting after the shooting was  
3 completed, the first person either the Raleigh County  
4 Sheriff's Department or the EMS?

5 A I believe Deputy Bircham showed up but  
6 don't hold me to that. I believe.

7 Q Did several people come out there?

8 A You mean police or --

9 Q Police, the EMS? About how many people  
10 total between police and the EMS came out to the shooting  
11 scene?

12 A I think about 11 after the Sheriff  
13 and everybody came out, somewhere around there. And  
14 detectives and all that.

15 Q Okay. Can you tell me, if you know,  
16 the 11 people who were there after the shooting occurred?

17 A After it occurred, there was Sheriff  
18 Moore, Tanner, Canaday, Lilly, Bircham and Williams. Of  
19 course, myself and Deputy Kade was there and the numerous  
20 EMS people.

21 Q And you don't know those people?

22 A No.

23 Q How many EMS vehicles showed up?

Page 106

1 A I know at least two showed up but for  
2 some reason, I was thinking three.

3 Q I know you said it seemed like it took  
4 forever for other people to get there but do you know an  
5 approximate time on how long it took the first person,  
6 Deputy Bircham, to get there?

7 A Probably less than ten minutes I  
8 believe.

9 Q Okay. Assuming it was Deputy Bircham,  
10 what did he say to you?

11 A He asked if we were all right.

12 Q Okay. Bircham, Moore, Tanner, Canaday.  
13 Do you know what order they arrived in? Did some of them  
14 arrive together?

15 A I don't recall.

16 Q Okay.

17 A It was Bircham and then Williams but I  
18 can't remember from there.

19 Q Okay. What did Deputy Bircham do when  
20 he arrived on the scene?

21 A I can't recall.

22 Q Okay. During the time that you were  
23 waiting for these other people to arrive, these other

Page 107

1 deputies and these EMS's, what were you and Deputy and  
2 Kade doing?

3 A Mainly just standing there waiting  
4 still.

5 Q Okay. It took approximately less than  
6 ten minutes for the next person to arrive on the scene.  
7 About how long did it take for EMS to get there?

8 A Not too long after Bircham, I do  
9 believe.

10 Q Okay. Were they given access to the  
11 body immediately upon arrival on the scene?

12 A Yes. I told them to let Bircham take  
13 a picture of him, the way he is, before they cut his  
14 clothes off of him. Because EMS will tamper with crime  
15 scenes.

16 Q Okay. So they were not denied access  
17 to Robert Webb's body for 20 minutes?

18 A No.

19 Q Okay.

20 A I said, let him take a picture then  
21 they could check him.

22 Q Okay. Was there some form of sheet or  
23 cloth or tarp, whatever, that was placed over the fence

Page 108

1 in the Webb yard to obscure the scene from view from the  
2 Webb house?

3 A Once. I think once Lieutenant Williams  
4 got there, he ordered myself and Deputy Kade to go back  
5 to our vehicles.

6 Q Uh-huh, (yes).

7 A And that's the last time we were around  
8 the scene.

9 Q Okay. As soon as the second person,  
10 Deputy Williams, showed up on the scene, he ordered you  
11 and Deputy Kade to return to your vehicles?

12 A First, I'd take names down of the EMS  
13 workers before he ordered us to do that. I believe he  
14 was the one that ordered us to do that.

15 Q Regardless, you were ordered after the  
16 second person arrived on the scene to leave the area?

17 A I believe EMS was there but I'm talking  
18 second law enforcement.

19 Q Okay.

20 A I believe EMS was already there at that  
21 time.

22 Q Okay. So when the second law  
23 enforcement personnel got there, he ordered you and Kade

Page 109

Page 111

1 to go back to your vehicles?

2 A Yes.

3 Q Were you given any other orders at that  
4 time?

5 A Just to go to our vehicles.

6 Q Okay. Were you told to stay in your  
7 vehicles, to sit in a vehicle together, it didn't matter?

8 A We stayed up there for a while and  
9 then we come down to where everybody else was, not at the  
10 scene but on down the road closer than what we was, where  
11 they parked their vehicles.

12 Q Okay. Other law enforcement did not  
13 park in the same area that you and Deputy Kade did?

14 A No. They parked right in front of the  
15 Webb residence.

16 Q Okay. So you walked to that area to  
17 speak to them?

18 A No. They walked up to where the scene  
19 was.

20 Q Okay. I'm getting a little confused  
21 here. I'm trying to figure out. The second law  
22 enforcement personnel that got on the scene ordered you  
23 and Kade to go somewhere. Where were you ordered to go?

Page 110

1 A To our cruiser parked at the end of  
2 Cabell Heights Road.

3 Q And that's what you did?

4 A Yes.

5 Q So what did you do once you got to your  
6 cruisers?

7 A That's when all the detectives and the  
8 Sheriff and Tanner was coming by and they all stopped and  
9 checked on us.

10 Q Okay. And they were all coming to look  
11 at the scene?

12 A They were coming to do their investi-  
13 gation or whatever they did.

14 Q Did you assist in closing off the crime  
15 scene?

16 A No, Lieutenant Williams did that. We  
17 just kept it contained where nobody could come in it till  
18 he got there.

19 Q Okay. You gave a statement after the  
20 shooting occurred. Correct?

21 A Yes.

22 Q And that was I think we established  
23 earlier a couple of days after the shooting possibly?

1 A Yes.

2 Q Did you speak to anyone regarding your  
3 statement before that statement was taken?

4 A What do you mean?

5 Q Did you speak to anyone regarding your  
6 statement prior to that statement being taken?

7 A No. I gave statements, like, two times  
8 to the detectives.

9 Q You gave two different statements?

10 A Yes. I think one of them was the night  
11 of and the other one was two days later.

12 Q Okay. The statement that you gave the  
13 night of, was that recorded?

14 A I believe so but I can't swear to that.

15 Q Do you know who took that statement?

16 A Lilly and Canaday.

17 Q And Lilly and Canaday were asking  
18 questions?

19 A I believe so.

20 Q And who took your second statement?

21 A The same two.

22 Q Okay. When they took your statement  
23 the night of the shooting, did you see any kind of

Page 112

1 recording device?

2 A I can't recall.

3 Q Okay.

4 A I would assume there was one but I  
5 can't recall.

6 Q Okay. I think we established at the  
7 very beginning of this deposition that you reviewed a  
8 statement prior to this deposition.

9 A Yes.

10 Q Was that the statement that you gave to  
11 Canaday and Lilly?

12 A Yeah. I think it was two or three days  
13 later, that statement.

14 Q Okay. It was the statement that was  
15 taken two to three days later?

16 A Yes.

17 Q Okay. Take a look at this. If you  
18 want to take a look at this statement please, is that the  
19 statement you reviewed? And feel free to read the whole  
20 thing if you need to. Is that the statement that you  
21 reviewed in preparation for today's deposition?

22 A I believe so. I believe that's the  
23 same one.

Page 113

Page 115

1 MR. GRIFFITH: Let's go ahead and  
2 attach this as Exhibit B.  
3 (WHEREUPON, Hajash Deposition  
4 Exhibit B was marked for  
5 identification purposes)  
6 BY MR. GRIFFITH:  
7 Q So this statement was taken two to  
8 three days after the shooting?  
9 A I believe so.  
10 Q Okay.  
11 A They're going to be the same because my  
12 story has never changed.  
13 Q Okay.  
14 A Because it was so close together, it  
15 was still fresh.  
16 Q Did you speak to Deputy Kade prior to  
17 giving the statement the night you gave the statement to  
18 Deputies Lilly and Canaday?  
19 A What do you mean the night, of the  
20 shooting or --  
21 Q The night of the shooting, did you  
22 speak to Deputy Kade about the statement that was to be  
23 taken?

Page 114

1 A No.  
2 Q Did you speak to anybody else?  
3 A Not that I recall.  
4 Q Okay. When you gave that statement to  
5 Canaday and Lilly, where were you? Were you at your  
6 cruiser?  
7 A We were at the Sheriff's Office.  
8 Q Okay. You'd already gotten back to the  
9 Sheriff's Office?  
10 A Uh-huh, (yes).  
11 Q About what time did you give that  
12 statement?  
13 A I think it was around 4:00, somewhere  
14 around there.  
15 Q Around 4:00 A.M.?  
16 A I think so.  
17 Q After you were ordered to go back to  
18 your cruisers by whomever ordered you to do that, how  
19 long were at your cruisers?  
20 A I can't recall.  
21 Q Okay. Do you remember what time about  
22 the shooting occurred?  
23 A Right after 1:00.

1 Q Okay.  
2 A A couple minutes after.  
3 Q Did you do anything else after the  
4 shooting?  
5 A You mean anymore calls?  
6 Q Did you finish your shift that night?  
7 A No.  
8 Q No more calls?  
9 A No.  
10 Q Okay. Did you go directly from the  
11 Webb home to the Raleigh County Sheriff's Department?  
12 A Yes.  
13 Q Okay. What time was that?  
14 A Three something, probably.  
15 Q Okay. What were you doing once you got  
16 back to the Raleigh County Sheriff's Department?  
17 A We were waiting on Lilly and Canaday to  
18 get ready to take statements.  
19 Q Okay. And they got there around  
20 4:00 A.M.?  
21 A We took the statements in the 4:00 hour  
22 somewhere.  
23 Q Okay. What were you doing specifically

Page 116

1 while you were waiting for Lilly and Canaday?  
2 A I can't remember, just waiting for them  
3 to be ready.  
4 Q Okay. Did you have something to eat,  
5 something to drink?  
6 A Not that I recall.  
7 Q Okay. Did you speak to anybody?  
8 A No.  
9 Q Was anybody else present when this  
10 statement was taken?  
11 A No, I don't believe.  
12 Q Okay. Were you and Kade questioned  
13 together by Canaday and Lilly?  
14 A No.  
15 Q You were questioned separately?  
16 A Yes.  
17 Q Was Deputy Kade present when you were  
18 questioned?  
19 A No.  
20 Q Were you present when Deputy Kade was  
21 questioned?  
22 A No.  
23 Q What time did you complete your

Page 117

1 statement?

2 A It only took a couple of minutes, I  
3 think.

4 Q Okay. What did you do after your  
5 statement was taken?

6 A I think I went out there until they  
7 came out to do them with us and told us to go home.

8 Q Okay. Did you give your statement  
9 first or did Kade give his first?

10 A I can't recall.

11 Q Okay. After your statement was given,  
12 you said you were waiting somewhere. Where were you  
13 waiting?

14 A Just in the building somewhere.

15 Q Okay. What were you waiting for?

16 A To make sure they were done with us and  
17 didn't need us for anything else or any more questions.

18 Q Okay. What was the next thing you were  
19 told by your superiors?

20 A They told us to go home.

21 Q Okay. And is that what you  
22 did?

23 A Yeah.

Page 118

1 Q Were you given any form of drug or  
2 alcohol screen after the shooting?

3 A No.

4 Q Did you have any medical checkups after  
5 the shooting?

6 A A psychological.

7 Q Okay. You had a psychological checkup  
8 after the shooting?

9 A Yes.

10 Q When was that?

11 A A couple of days later before we could  
12 return to work.

13 Q Who was that that who did the  
14 psychological evaluation?

15 A It was Mike Johnson.

16 Q Mike Johnson. Was Mike Johnson the  
17 person who gave you your psychological test prior to  
18 becoming an officer?

19 A I don't think so.

20 Q Do you remember who gave you your  
21 psychological evaluation prior to your becoming an  
22 officer?

23 A It was at that same doctor's office but

Page 119

1 I don't remember who gave it to me.

2 Q Okay. So it was at the office where  
3 Mike Johnson is located?

4 A Yes.

5 Q Okay. How long was your psychological  
6 evaluation with Mike Johnson after the shooting?

7 A Maybe an hour.

8 Q Okay.

9 A I think.

10 Q And do you remember how many days after  
11 the shooting you went to Mike Johnson's?

12 A It was two or three at the most.

13 Q When you met with Mike Johnson, did you  
14 discuss the shooting?

15 A Yes.

16 Q What was discussed?

17 MR. MOORE: I have an objection.

18 You're in privileged territory now. You're  
19 talking about his psychological records and I'm  
20 not going to let him answer those questions at  
21 this time. We'll take it up with the judge at  
22 sometime in the future and if I get ruled  
23 against, we'll make him available again.

Page 120

1 MR. GRIFFITH: Okay.

2 MR. MOORE: But for the time being, I'm  
3 going to object to questions regarding his  
4 psychological records.

5 MR. GRIFFITH: Okay.

6 BY MR. GRIFFITH:

7 Q Did you work as an officer between the  
8 time that the shooting occurred and you met with Mike  
9 Johnson?

10 A No.

11 Q Did Mike Johnson clear you to return to  
12 work?

13 A Yes.

14 Q Did you meet with anybody other than  
15 Mike Johnson?

16 A No.

17 Q Had you met Mike Johnson prior to the  
18 time you met him after the shootings?

19 A No.

20 Q Had anybody at the Raleigh County  
21 Sheriff's Department told you anything about Mike Johnson  
22 prior to your meeting with him?

23 A No.

Page 121

1 Q Do you know if Mike Johnson is  
 2 regularly used by the Raleigh County Sheriff's  
 3 Department?  
 4 A I know that office is. I don't know if  
 5 he is or not. There's a couple of people in that  
 6 building.  
 7 Q Do you know if Mike Johnson is a  
 8 psychiatrist?  
 9 A He's a counselor, I believe.  
 10 Q He's a counselor?  
 11 A Yes.  
 12 Q So do you know if he has a psychiatry  
 13 or a psychology degree?  
 14 A No, I don't.  
 15 Q Do you know if he has a title?  
 16 A No.  
 17 Q Do you know if Deputy Kade saw a  
 18 counselor, psychiatrist or psychologist after the  
 19 shooting?  
 20 A I think he seen the same person I  
 21 did.  
 22 Q You believe he saw Mike Johnson?  
 23 A Yes.

Page 122

1 Q Did he see Mike Johnson on the same day  
 2 that you saw Mike Johnson?  
 3 A Yes.  
 4 Q Did you travel to Mike Johnson's office  
 5 together?  
 6 A No.  
 7 Q What time was your appointment at Mike  
 8 Johnson's?  
 9 A It was in the morningtime.  
 10 Q Okay. Do you know what time Deputy  
 11 Kade's appointment was?  
 12 A Before mine.  
 13 Q Do you know if Mike Johnson cleared  
 14 Deputy Kade for duty?  
 15 A I believe so.  
 16 Q Do you know if Mike Johnson has cleared  
 17 other Raleigh County Sheriff's Department deputies for  
 18 duty?  
 19 A I have no idea.  
 20 Q Has anybody told you that Mike Johnson  
 21 has cleared any Raleigh County Sheriff's Department  
 22 deputies for duty?  
 23 A No.

Page 123

1 Q Were you ever told that Mike Johnson  
 2 specifically is retained by the Raleigh County Sheriff's  
 3 Department to clear people for duty?  
 4 A No. That was just always my assump-  
 5 tion. Well, that office, not him in particular.  
 6 Q Did you ever meet with Mike Johnson  
 7 after the appointment that you had?  
 8 A Yes.  
 9 Q You met with him after the appointment  
 10 after the shooting occurred?  
 11 A Yes.  
 12 Q When was that?  
 13 A Months down the road. I can't remember  
 14 when exactly.  
 15 Q Two, four, six, eight months?  
 16 A I'd say at least four or five, maybe.  
 17 I can't recall.  
 18 Q And how many months was that again, you  
 19 think, before you saw Mike Johnson again?  
 20 A I can't remember if it was before the  
 21 first of the year or after it. And I went off work in  
 22 March, so it was definitely before then.  
 23 Q Okay. In Requests for Admissions we

Page 124

1 served on you previously -- do you remember going over  
 2 some Requests for Admissions?  
 3 A Yes.  
 4 Q Okay. We had asked you Request for  
 5 Admission No. 21 previous in this case to admit that you  
 6 were off work for a period of time of multiple months  
 7 following the shooting of Robert Webb and your response  
 8 was, "This Defendant admits that he was off work on a  
 9 medical leave however he worked immediately following the  
 10 shooting and continued to do so for 8 1/2 months prior to  
 11 this medical leave." Did I read that correctly?  
 12 A Yes.  
 13 Q And that was your response to this  
 14 question. Correct?  
 15 A Yes.  
 16 Q Okay. Did you see Mike Johnson in that  
 17 8 1/2 months?  
 18 A Yes.  
 19 Q Okay. Why did you see Mike Johnson?  
 20 MR. MOORE: Objection.  
 21 MR. WILLIAMS: I'm going to object to  
 22 the relevance of this entire line of ques-  
 23 tioning. Obviously, I'm going to instruct the

Page 125

1 witness about it but just note a standing  
2 objection to the relevance to the line of  
3 questioning.  
4 MR. GRIFFITH: Okay.  
5 THE WITNESS: Do I still answer?  
6 MR. MOORE: No, don't answer. Just for  
7 the record, I believe your question was why did  
8 you see Mike Johnson. I've raised the  
9 privilege and instruct him not to answer.  
10 MR. GRIFFITH: Okay.  
11 BY MR. GRIFFITH:  
12 Q Well, let me ask this, was your visit  
13 with Mike Johnson after your visit after the shooting?  
14 You had a visit after the shooting and then you had  
15 another one later? Was it just one more visit?  
16 A I believe one or two.  
17 Q Okay. And was it related to the  
18 psychological evaluation that the Raleigh County  
19 Sheriff's Department needed you to have?  
20 MR. WILLIAMS: Objection.  
21 MR. GRIFFITH: Let's attach these as  
22 Exhibit 3. I'll probably be going back to  
23 these.

Page 126

1 (WHEREUPON, Hajash Deposition  
2 Exhibit C was marked for  
3 identification purposes)  
4 BY MR. GRIFFITH:  
5 Q Why were you told by the Raleigh County  
6 Sheriff's Department that you were being sent to see Mike  
7 Johnson?  
8 A I don't recall it ever being said why.  
9 They just said we needed to talk to him.  
10 Q Okay. Were you told prior to your  
11 appointment who you would be seeing?  
12 A Yes. That way we'd know who we'd ask  
13 for to tell them we were there to see.  
14 Q Okay. Were you given any information  
15 on the person's qualifications?  
16 A No.  
17 Q Their background?  
18 A No.  
19 Q Any background they had with the  
20 Raleigh County Sheriff's Department?  
21 A No.  
22 Q Did you ever meet with any other  
23 doctors with regard to the Robert Webb shooting?

Page 127

1 A What period are you talking about?  
2 Q Well, did you ever meet with a  
3 Dr. Syed?  
4 A Yes.  
5 Q Okay. What was Sheriff Moore's  
6 reaction to your meeting with Dr. Syed?  
7 MR. WILLIAMS: Objection as to  
8 relevance. And just so I don't have to keep  
9 interrupting your questioning, I'm going to  
10 have a standing objection to the relevance to  
11 this entire line of questioning.  
12 MR. MOORE: What was your question  
13 again? What was Sheriff Moore's --  
14 MR. GRIFFITH: What Sheriff Moore's  
15 reaction?  
16 MR. MOORE: Reaction. Thank you.  
17 THE WITNESS: Still answer that or --  
18 MR. WILLIAMS: Yeah. You can answer  
19 that.  
20 BY MR. GRIFFITH:  
21 A He didn't like it because I went  
22 outside of the doctor that they were paying for and  
23 started paying for my own.

Page 128

1 Q You know, I didn't go over this. Have  
2 you ever been involved in a lawsuit before?  
3 A No.  
4 Q Have you ever been involved in any  
5 claims of excessive force?  
6 A Yes.  
7 Q How many claims of excessive force?  
8 A One.  
9 Q Who made that claim of excessive force?  
10 A I don't know who made the claim.  
11 Q Okay. Do you remember the incident of  
12 where the claim arose?  
13 A Yes.  
14 Q What incident was that?  
15 A It was at Weston Sharp Hospital with a  
16 mental patient.  
17 Q Okay. What happened at the hospital  
18 with the mental patient?  
19 A When I went to get him out of the car,  
20 I looked and he had pissed in my backseat. And at that  
21 point, I went to get him out of the car and he was in  
22 shackles and I went to get him and I lifted him up and  
23 when I looked him in the face, he spit right in my face.

Page 129

Page 131

1 And I brought him out of the car and he tried to -- he  
2 was a big 'ol boy and he tried to use his weight to push  
3 me around. So I got him on the ground and I was holding  
4 him down till a nurse walked by and got her to come out  
5 there and get security to help me get him inside.

6 Q Okay. And that was the situation that  
7 resulted?

8 A Yes. The head nurse said that was  
9 excessive.

10 Q Okay. Were you investigated for this  
11 claim of excessive force?

12 A Yes.

13 Q Who were you investigated by?

14 A The FBI.

15 Q Okay. Do you know why the FBI was  
16 brought in?

17 A Because that's who investigates police  
18 brutality or using excessive force cases.

19 Q Do you know who brought in the FBI, who  
20 called them?

21 A No.

22 Q Okay. Was the FBI ever brought in with  
23 regard to the shooting of Robert Webb?

1 nothing about it.

2 Q Looking at Deputy John E. Hajash's  
3 Supplemental Responses To Plaintiff's First Set of  
4 Interrogatories and Request For Production of  
5 Documents --

6 MR. MOORE: Which one?

7 MR. GRIFFITH: I'm actually going to go  
8 through a bunch of them.

9 MR. MOORE: Okay. Go ahead. I'm  
10 sorry.

11 BY MR. GRIFFITH:

12 Q If you want to, take a look at them.

13 Do you remember looking at these questions that we sent  
14 to you?

15 A Yes.

16 Q Okay. Do you remember answering them?

17 A Yes.

18 Q Can you flip to the last page there?

19 A Yes. You mean this one?

20 Q The very last page. That's a verifi-  
21 cation. Correct?

22 A Yes.

23 Q And you signed that verification?

Page 130

Page 132

1 A No.

2 Q Did you file any form of Workers'  
3 Compensation claim after the shooting of Robert Webb?

4 A Yes.

5 Q Why did you file that?

6 A Because the doctor took me off --

7 MR. WILLIAMS: Standing objection as to  
8 relevance.

9 BY MR. GRIFFITH:

10 Q Are you represented by counsel in that  
11 Workers' Compensation case?

12 A It was never made a case.

13 Q Were you ever represented by counsel in  
14 that matter?

15 A I believe so at that time.

16 Q What's the status of that claim?

17 A It was denied.

18 Q Okay. How did Sheriff Moore react to  
19 your filing a Workers' Compensation claim?

20 MR. WILLIAMS: Objection to relevance.

21 MR. MOORE: You can answer.

22 BY MR. GRIFFITH:

23 A I don't remember him ever saying

1 A Yes.

2 Q And when you signed that verification,  
3 did you understand that you were signing a verification  
4 that those questions were made truthfully and were sworn  
5 under oath?

6 A Yes.

7 Q Okay. Let's flip to Question No. 17.

8 We had asked for you to, "State fully and in detail the  
9 current status of your employment with the Raleigh County  
10 Sheriff's Department. If you are no longer employed by  
11 the Raleigh County Sheriff's Department, please state:  
12 (a) whether you voluntarily resigned your position of  
13 employment or whether employment was terminated by the  
14 Raleigh County Sheriff's Department; (b) the date you  
15 last reported for duty and worked a full shift as an  
16 employee of the Raleigh County Sheriff's Department and  
17 (c) the reasons you believe you are no longer employed by  
18 the Raleigh County Sheriff's Department." Did I read  
19 that correctly?

20 A Yes.

21 Q And your answer was to (a) you were  
22 terminated while off on unpaid medical leave.

23 A Yes.

Page 133

1 Q You were terminated on March 15, 2007.  
2 A That was my last day of work. I was  
3 still employed after that.  
4 Q Okay. And the answer to (c) the reason  
5 you were no longer employed, you said, "Because Steve  
6 Tanner and Danny Moore did not like me and did not care  
7 about me enough to help me with my problems. These two  
8 saw an opportunity to terminate my employment since I was  
9 on unpaid medical leave and they did." Did I read that  
10 correctly?  
11 A Yes.  
12 Q Okay. To what problems are you talking  
13 about in this answer?  
14 MR. WILLIAMS: Standing objection as to  
15 relevance.  
16 BY MR. GRIFFITH:  
17 Q You can answer.  
18 A Well, about the problems I was -- well,  
19 the dreams I was having after the shooting.  
20 Q Okay. And you also state that Steve  
21 Tanner and Danny Moore did not like you. Why do you  
22 think they didn't like you?  
23 MR. WILLIAMS: Objection. Calls for

Page 134

1 speculation and relevance.  
2 MR. GRIFFITH: Okay.  
3 BY MR. WILLIAMS:  
4 Q Do you know why they didn't like you?  
5 A Not actual know, no.  
6 Q Okay. Have you formed a belief as to  
7 why they did not like you?  
8 A Yes.  
9 Q What is that belief?  
10 MR. WILLIAMS: Calls for speculation.  
11 BY MR. GRIFFITH:  
12 A That I was so young when they hired me,  
13 they didn't like it.  
14 Q Okay.  
15 MR. GRIFFITH: Could I attach that as  
16 "C"? Or that's "D".  
17 (WHEREUPON, Hajash Deposition  
18 Exhibit D was marked for  
19 identification purposes)  
20 BY MR. GRIFFITH:  
21 Q Who fired you from your position with  
22 the Raleigh County Sheriff's Department?  
23 A I received a Letter of Termination in

Page 135

1 the mail from Danny Moore.  
2 Q Okay. Do you still have that Letter of  
3 Termination?  
4 A I believe so.  
5 Q Okay. Did it state a specific reason  
6 as to why you were fired?  
7 A I had exhausted my Family Medical Leave  
8 Act, the 12-week period you're allowed. They said after  
9 that, my position would no longer be held.  
10 Q There was an incident while you were  
11 employed by the Raleigh County Sheriff's Department that  
12 occurred at the Crossroads Mall. Correct?  
13 A Yes.  
14 Q Were you performing off-duty security  
15 work at that mall?  
16 A Yes.  
17 Q Can you tell us what happened  
18 there?  
19 A Some juveniles was kicking a potato  
20 around like a soccer ball and one of them just squashed  
21 it and the security guard told him to clean it up and he  
22 told him no. And another deputy showed up and told him  
23 to clean it up, which I wasn't there, this is just what

Page 136

1 was said, I was at the other end of the mall. When he  
2 told him to clean it up, the boy said he wasn't doing  
3 nothing, he told him and they got into a physical  
4 altercation. And then I went up there and a bunch of  
5 other kids started jumping on all of us and the security  
6 guards and just trying to fight.  
7 Q Did this occur on May 11th of 2006?  
8 A It was in March.  
9 Q In March of 2006?  
10 A Yes.  
11 Q Okay. Were you involved in an  
12 altercation with these youths?  
13 A I got jumped on by some but I didn't  
14 physically fight with none.  
15 Q Okay. Was your service weapon taken  
16 from you during that altercation?  
17 A No.  
18 Q Okay. What about your sprayer?  
19 A No.  
20 Q Did they attempt to take your service  
21 weapon from you?  
22 A They grabbed it but they didn't get it  
23 out.

Page 137

1 Q Okay. Did you receive any type of  
2 disciplinary action as a result of that incident?  
3 A No.  
4 Q Were you on the evening shift at the  
5 time of the Robert Webb call as a result of the conduct  
6 that occurred at the Crossroads Mall?  
7 A No. I was on the midnight shift.  
8 Q Okay. At some point during your  
9 employment with the Raleigh County Sheriff's Department,  
10 were you permitted by the Sheriff to come and work in the  
11 station only in jeans?  
12 A No.  
13 Q You were not?  
14 A Now, what do you mean?  
15 Q You were allowed to come to work in  
16 plain clothes and just work in the station?  
17 A No.  
18 Q Sometime after you went on medical  
19 leave, did you have any conversations with Chief Moore or  
20 Deputy Tanner about the Robert Webb shooting?  
21 MR. WILLIAMS: Standing objection as to  
22 relevance.  
23 MR. GRIFFITH: Okay.

Page 138

1 BY MR. GRIFFITH:  
2 Q And at some point, you began taping  
3 conversations with Sheriff Moore?  
4 A Yes.  
5 Q And you taped some conversations with  
6 Deputy Tanner?  
7 A Yes.  
8 Q How many tapes were made? How many  
9 times did you tape them?  
10 A Twice.  
11 Q Okay. Why did you begin taping these  
12 conversations with these people?  
13 MR. MOORE: Let me enter an objection  
14 because I don't see where these tapes or  
15 conversations have any bearing or relevance  
16 even as far as Discovery is concerned but you  
17 may go ahead and answer the question.  
18 MR. WILLIAMS: Again, I'm going to note  
19 a standing objection rather than having to keep  
20 objecting about the questions. Just note that  
21 this entire line I have a standing objection to  
22 as to relevance.  
23 MR. GRIFFITH: Okay.

Page 139

1 BY MR. GRIFFITH:  
2 Q So why did you begin taping conversa-  
3 tions with these people?  
4 A Just to cover me in case they fired me  
5 or something like that.  
6 Q Okay. Why did you believe you needed  
7 covered in case they fired you?  
8 A Because I just figured that they were  
9 going to try to fire me or something where I was off on  
10 medical leave.  
11 Q Was there something specific that was  
12 said to you that caused you to begin taping these  
13 conversations?  
14 A I was just told by another deputy it'd  
15 be a good idea.  
16 Q Okay. Which deputy told you it was a  
17 good idea?  
18 A Keith Harold.  
19 Q Keith?  
20 A Harold.  
21 Q Harold?  
22 A Yes.  
23 Q And why did Keith tell you it was a

Page 140

1 good idea to start taping?  
2 A Now, what was that again?  
3 Q What did he tell you? Why did he say  
4 that it was a good idea to start taping? Did he tell you  
5 why he told you that?  
6 A Basically, just don't trust nobody  
7 ever no matter who it is and it never hurts to tape  
8 conversations.  
9 Q Okay. Were you specifically threatened  
10 by anyone which caused you to start making these tapes?  
11 A No.  
12 Q What about before this deposition, did  
13 anybody speak to you about your testimony?  
14 A What do mean?  
15 Q Other than your lawyer?  
16 MR. MOORE: I was going to say, other  
17 than me.  
18 BY MR. GRIFFITH:  
19 Q Other than your lawyer?  
20 A No.  
21 Q Okay. At one point, did you give these  
22 tapes to a third party?  
23 A Yes.

Page 141

1 Q When you gave these tapes to this third  
2 party, did you explain you wanted these tapes preserved  
3 for the Webb family in case something happened to you?

4 A No, I never said that.

5 Q Okay. Why did you tell this third  
6 party -- well, how many third parties did you give them  
7 to?

8 A I tried to get them transcribed one  
9 time through Keith Harold and Bob McComas was supposed  
10 to keep them just in case something happened to me or  
11 somebody broke in my house and took them.

12 Q Okay. What were you concerned about  
13 happening to you that would require you to give these  
14 tapes to a third party?

15 A He just said something like they might  
16 try to come and kill me or something, just put all kinds  
17 of crazy ideas out in the air for me to reach up and  
18 grab, I guess.

19 Q Okay.

20 A So I told him to keep them at his  
21 house. That way nothing could happen to them.

22 Q Okay. And what were the discussions  
23 that occurred on these audiotapes?

Page 142

1 A Just about me being off on medical  
2 leave.

3 Q Okay. Do you still have copies of  
4 these audiotapes?

5 A Just one of them with Tanner.

6 Q You have an audiotape with Tanner?

7 A I don't have none of the tapes. I have  
8 burnt CD's.

9 Q You have burnt CD's?

10 A Yeah. I don't have the tapes no more.

11 Q So you have burnt CD's of both tapes?

12 Q No, just one.

13 A Just one.

14 Q Just one. Okay. Who is that audiotape  
15 with?

16 A I don't have neither tape but I have a  
17 CD.

18 Q The audio recordings are with Tanner  
19 alone?

20 A Yes. No. One was with Tanner and one  
21 was with Moore but I only have possession of the Tanner  
22 one.

23 Q And you currently only have possession

Page 143

1 of the audio recording of you and Deputy Tanner?

2 A Yes.

3 Q Okay. What was discussed on these  
4 audiotapes?

5 MR. WILLIAMS: Objection. Asked and  
6 answered.

7 MR. MOORE: Go ahead.

8 BY MR. GRIFFITH:

9 A It was just about me being off on  
10 medical leave.

11 Q Okay. Was the shooting of Robert Webb  
12 discussed on these audiotapes?

13 A The shooting itself because that's what  
14 was part of my problems.

15 Q Okay. Did you ever rehash the events  
16 which led up to the Robert Webb shooting on these audio  
17 tapes, audio recordings?

18 A What do you mean rehashed?

19 Q Remember, talk about and go into detail  
20 about what occurred, how you and Deputy Kade led up the  
21 street and went to Robert Webb's home?

22 A Yeah.

23 Q Okay. Does that story on those audio

Page 144

1 tapes match with the story which is in the official  
2 police report?

3 A Yes.

4 Q Okay.

5 MR. MOORE: Can we go off the record  
6 for a second?

7 MR. GRIFFITH: Yes.

8 (WHEREUPON, there was a short  
9 break in the proceeding)

10 MR. GRIFFITH: I'm just putting on  
11 the record that we had a discussion with  
12 Mr. Hajash's counsel during the break where  
13 we discussed the tapes that were brought up  
14 previously in the deposition testimony. We've  
15 agreed to provide him with a copy of the tapes.  
16 We're not going to ask any questions regarding  
17 those tapes or what's on them today so that  
18 Mr. Moore has the ability to review them and at  
19 a later date we can come back and depose  
20 Mr. Hajash with regard to those issues.

21 MR. MOORE: That's all correct.

22 BY MR. GRIFFITH:

23 Q Mr. Hajash, I don't have a whole, whole

Page 145

Page 147

1 lot left for you and this is just some cleanup stuff.  
2 When you were given your policy and procedure manual by  
3 the Raleigh County Sheriff's Department and you reviewed  
4 it, were you ever quizzed on it?  
5 A No.  
6 Q Were you ever tested on it?  
7 A No.  
8 Q Were you ever given any kind of  
9 indication to show that you knew the policies that were  
10 contained in the Raleigh County Sheriff's Department  
11 Policy Manual?  
12 A We just had to go over them and read  
13 them with the supervisor and signed them saying that we  
14 received them.  
15 Q Okay. Just had to sign saying that you  
16 received them?  
17 A At least that's the way Lieutenant  
18 Williams made you do it.  
19 Q Okay. When you did your Academy  
20 training, were you given any specific training on  
21 vehicles?  
22 A Like, what kind?  
23 Q Cruisers, how to operate them, the

1 situations?  
2 A They said always use cover.  
3 Q Okay. Were you given any instruction  
4 on how to announce your presence?  
5 A Yes.  
6 Q Okay. When you approached Robert Webb  
7 at his truck, did you have any form of cover?  
8 A Not once we approached him.  
9 Q Prior to your approach, what was your  
10 cover?  
11 A We just had visual cover. Concealment.  
12 It wasn't bulletproof cover but concealment just where he  
13 couldn't see us.  
14 Q Okay.  
15 A The hedgerow. That's the way we had to  
16 go up the road anyway.  
17 Q Were you given training on cover and  
18 concealment?  
19 A Yes.  
20 Q Okay. What kind of training were you  
21 given on cover and concealment?  
22 A Like, what do you mean? What kind of  
23 cover?

Page 146

Page 148

1 method of approach?  
2 A Yes.  
3 Q Okay. What about when walking upon a  
4 scene, were you given specific instructions on how to  
5 approach situations?  
6 A Yes.  
7 Q Okay. Were you given training at the  
8 State Police Academy on when to leave your vehicles  
9 behind as to when to use your vehicles?  
10 A Well, they give you an idea and they  
11 leave it up to you. It's officer discretion.  
12 Q Okay. It's based on officer discretion  
13 when to leave the vehicle?  
14 A Yes.  
15 Q Is there any specific instruction on in  
16 this situation, you're going to need your cruiser and in  
17 this situation, you are not?  
18 A The only guaranteed times you can use  
19 it for cover is like on traffic stops. That's the only  
20 time you're guaranteed to have it with you.  
21 Q Okay. What about method of approach on  
22 foot to the scene such as the Robert Webb scene, were you  
23 given any training on how to use cover in those

1 Q Well, you said that you had concealment  
2 cover when you approached Robert Webb's home, I guess the  
3 shrubberies. Is that what we're talking about?  
4 A Yes. Of course, that's just visual  
5 cover.  
6 Q Okay. Were you taught to use that  
7 visual cover?  
8 A Yes.  
9 Q Were you taught to use that visual  
10 cover when you announced your presence?  
11 A No.  
12 Q You testified earlier that your sidearm  
13 is a Glock 23.  
14 A Yes.  
15 Q That's a 40-caliber Glock?  
16 A Yes.  
17 Q Were you given specific training on  
18 that particular weapon?  
19 A Yes.  
20 Q Okay. That particular weapon, the  
21 Glock 23, it has no safety feature other than what is  
22 built in the trigger. Correct?  
23 A Yes.

Page 149

1 Q But when you approach the scene and  
2 when you're taught to use that weapon, are you taught to  
3 keep your finger on the trigger or off the trigger?

4 A Off the trigger.

5 Q And that's because the only safety  
6 feature is the trigger. Correct?

7 A Yes.

8 Q When you approached Robert Webb's house  
9 -- and that's another thing -- when you approached Robert  
10 Webb's home, when did you remove your service weapon from  
11 its holster?

12 A When we started up walking Primrose  
13 Lane.

14 Q Okay. Was it before or after you saw  
15 Robert Webb?

16 A After.

17 Q Could you observe him through the  
18 bushes in front of his home?

19 A No.

20 Q Okay. So as soon as you began walking  
21 or as you approached the vehicle?

22 A Once we got behind the hedgerow, we  
23 could not see him. That's after his music stopped and he

Page 150

1 was at his truck. We could see him then and once we  
2 started walking, we lost visual on him.

3 Q When you announced your presence, was  
4 your weapon drawn and pointed down or drawn and pointed  
5 toward Robert Webb?

6 A Pointed at him when Deputy Kade  
7 announced our presence.

8 Q Okay. Was Deputy Kade's weapon drawn  
9 on Robert Webb?

10 A Yes.

11 Q It was pointed at him, not the ground?

12 A Yes.

13 Q I'm also trying to figure out if I've  
14 got this. One more time, I'm going back to the last shot  
15 that occurred. And you said you shot not under the  
16 vehicle but around the vehicle?

17 A Yes.

18 Q And I'm just curious. Are you right-  
19 handed or left-handed?

20 A Right.

21 Q So you were able to reach around and  
22 shoot?

23 A (Witness nods head yes)

Page 151

1 Q When you received the call with regard  
2 to Robert Webb, you were told that Robert Webb was --  
3 well, there was a suspect. You didn't know it was Robert  
4 Webb obviously but there was a suspect shooting at his  
5 own residence?

6 A Yes.

7 Q And you took that to mean that Robert  
8 Webb was shooting at his own home?

9 A Yes.

10 Q That he was not simply shooting in the  
11 general area?

12 A We took it as if he was shooting the  
13 siding on his house, the bullets possibly going through  
14 the walls and everything.

15 Q Did you later learn whether or not he  
16 was shooting at his own residence?

17 A No, I never was told that he did or  
18 didn't.

19 Q Okay. As a police officer, firing a  
20 weapon in a residential community, is that a crime?

21 A Yes.

22 Q What kind of crime is that, a felony or  
23 a misdemeanor?

Page 152

1 A A misdemeanor.

2 Q We had talked about your training and  
3 you had said that you were specifically trained to turn  
4 your lights off as you were approaching a residential  
5 community for, say, a domestic call.

6 A Yeah.

7 Q Who specifically trained you to do  
8 that?

9 A Just everyone I ever rode with.

10 Q Every single one you ever rode with  
11 said that?

12 A Most of them.

13 Q Okay. Was there anybody that said not  
14 to do that?

15 A No.

16 Q When you go to a home for, say, a  
17 domestic call and you pull up and you go knock on the  
18 door, do you have your service weapon pulled?

19 A No.

20 Q Do you have your hand on it in case you  
21 have to pull it?

22 A Sometimes.

23 Q Is that officer discretion as well?

Page 153

Page 155

1 A Yes.  
2 Q Was this the first shooting incident  
3 you've ever been involved in?  
4 A Yes.  
5 Q Was it the first time you'd ever had to  
6 draw your weapon?  
7 A No.  
8 Q About how many times during your time  
9 with the Raleigh County Sheriff's Department did you have  
10 to draw your weapon?  
11 A Bunches.  
12 Q Can you give me some idea of bunches?  
13 A A couple of handfuls.  
14 Q Okay. So maybe ten times?  
15 A Probably more than that?  
16 Q More than ten?  
17 A (Witness nods head yes)  
18 Q When you arrived on the scene and  
19 parked your vehicles, did you see any residents of that  
20 community outside of their home?  
21 A Meaning any persons outside?  
22 Q Any persons outside?  
23 A No.

1 Q There is no discretion?  
2 A No. I said there wasn't any training  
3 on that.  
4 Q There was no training on that?  
5 A No.  
6 Q Okay. Was there any discretion given  
7 on that?  
8 A That was up to my discretion.  
9 Q That was up to your discretion whether  
10 or not the crime scene was more important than the EMS?  
11 A After he had no signs of life, yes.  
12 Q When we talked about the incident that  
13 you had where you had a prior excessive force, do you  
14 remember the time period that was?  
15 A No.  
16 Q Okay. Was it before the Robert Webb  
17 incident?  
18 A Yes.  
19 Q The FBI was brought in to investigate  
20 that. Correct?  
21 A Yes.  
22 Q What kind of injuries did that suspect  
23 sustain?

Page 154

Page 156

1 Q Did you see anybody who would have  
2 observed you walking from your vehicles to Primrose?  
3 A Just that one vehicle that drove by.  
4 Q Just the one vehicle?  
5 A Yes.  
6 Q You saw no individual people?  
7 A No.  
8 Q Just so I'm clear, when you approached  
9 Robert Webb, you were aimed at him with your service  
10 weapon before you announced?  
11 A Yes.  
12 Q As a young police officer when you were  
13 hired, a young deputy, were you qualified, had you been  
14 qualified in any way to pronounce death on the scene?  
15 A Not to pronounce it, no.  
16 Q Okay. Who is supposed to pronounce  
17 death?  
18 A The Medical Examiner.  
19 Q Okay. Is there any training, specific  
20 training, that you received that gave you discretion as  
21 to whether or not preservation of a crime scene is  
22 superior to having EMS check a patient?  
23 A No.

1 A None as far as I was aware of.  
2 Q Okay. And as we sit here today, are  
3 you aware of whether the FBI was brought in to investi-  
4 gate the shooting of Robert Webb?  
5 MR. WILLIAMS: Objection to form.  
6 BY MR. GRIFFITH:  
7 A I have no idea.  
8 Q Okay. Do you know if they were brought  
9 in, the FBI?  
10 A I assume not.  
11 MR. WILLIAMS: Objection to form.  
12 BY MR. GRIFFITH:  
13 Q While you were on the way to the Webb  
14 home in your cruiser and I guess Kade was behind you in  
15 his cruiser, you were calling dispatch asking for  
16 updates. Correct?  
17 A Yes.  
18 Q You asked for a physical description.  
19 Did you ever ask for dispatch to call the Webb home?  
20 A No.  
21 Q Could you have asked for dispatch to  
22 call the Webb home to determine the situation?  
23 A They wouldn't have had the phone

Page 157

Page 159

1 number.

2 Q They would not have had the phone

3 number?

4 A Not that I'm aware of.

5 Q I noticed that you have a tatoo on your

6 right inside forearm.

7 A Yes.

8 Q What does that say?

9 A It says, Only God can judge me.

10 Q Okay. I guess, does it lead all the  
11 way up to the shoulder?

12 A Yes.

13 Q Okay. When did you receive that tatoo?

14 A This year.

15 Q Can you tell me around the date you  
16 received it?

17 A In March.

18 Q Can you tell me the significance of  
19 that tatoo?

20 A I just always liked that saying.

21 Q Okay.

22 A Because everyone wants to judge  
23 everybody's life because they don't live the way thatREPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA

COUNTY OF RALEIGH, to-wit:

I, H. DAVID STANLEY, a Notary Public within and for the State aforesaid, duly commissioned and qualified, do hereby certify that the foregoing deposition of JOHN E. HAJASH was duly taken by and before me at the time and place and for the purpose specified in the caption thereof, the said witness having been first duly sworn by me to testify the whole truth and nothing but the truth concerning the matter in controversy.

I do further certify that the said deposition was taken by means of a Stenomask and transcribed under my supervision; that the reading and signing of said deposition were waived by the witness and by agreement by and between counsel for the parties after the taking of said deposition.

B.R.A.

Page 158

Page 160

1 they want them to.

2 Q Does that tatoo have any relevance to  
3 the shooting of Robert Webb?

4 A No.

5 Q Okay. Do you have any other tatoos?

6 A Yes.

7 Q Okay. Where are those?

8 A I have a cross on my biceps and my last  
9 name across my back and my son's name on my chest.10 MR. GRIFFITH: That's all I have for  
11 now. Thank you very much, Mr. Hajash.

12 MR. WILLIAMS: No questions.

13 MR. MOORE: We don't have any  
14 questions. We'll waive.

15 (Witness Excused)

16 (WHEREUPON, the deposition  
17 was concluded)B.R.A.

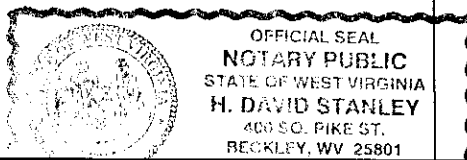
I further certify that I am not

connected by blood or marriage with any of the parties to this action, am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, or financially interested in the action, or interested, directly or indirectly, in the matter in controversy.

Given under my hand this 25th day of  
June, 2009.

*H. David Stanley*  
H. DAVID STANLEY, Reporter  
Notary Public

My commission expires April 2, 2018.

B.R.A.

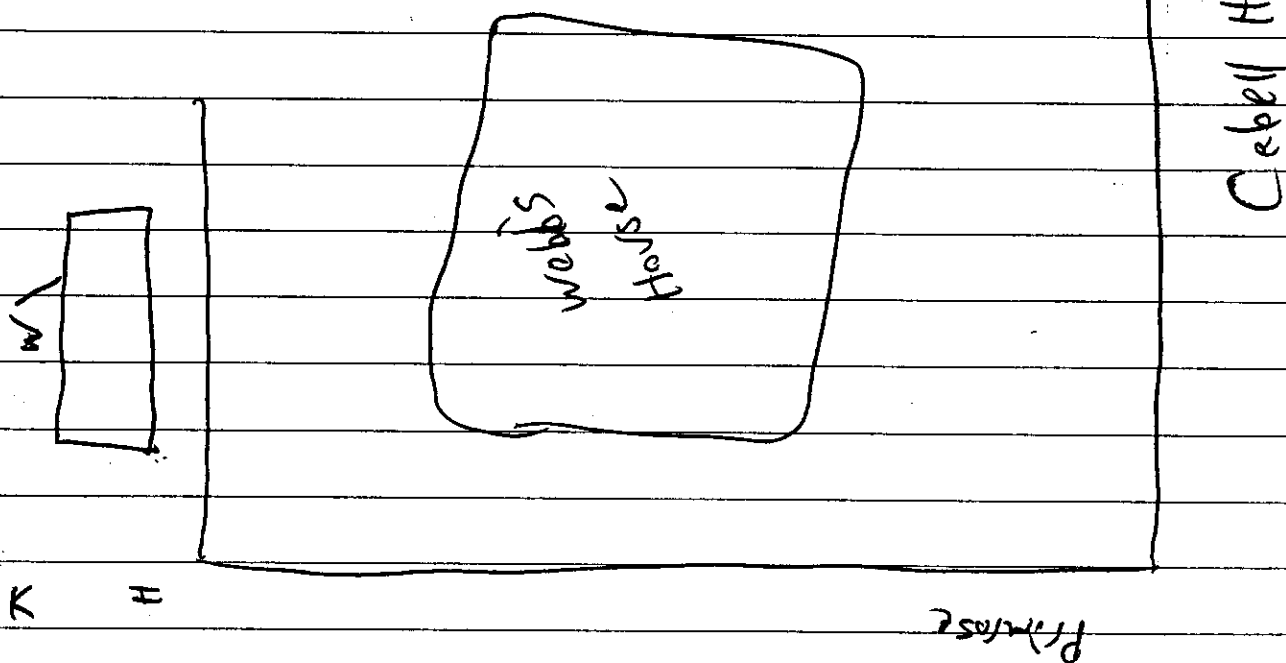
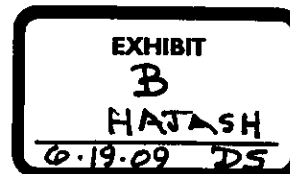


EXHIBIT  
A  
HAJASH  
6.19.09 PS



**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 4<sup>th</sup>. 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.





BREWSTER, MORHOUS, CAMERON, CARUTH,  
MOORE, KERSEY & STAFFORD, PLLC

ATTORNEYS AT LAW

HAROLD D. BREWSTER, JR.  
LAWRENCE E. MORHOUS  
JERRY J. CAMERON  
DONALD T. CARUTH  
KERMIT J. MOORE  
DAVID M. KERSEY  
WILLIAM P. STAFFORD, II \*  
M. HUDSON MCCLANAHAN \*  
TIMOTHY G. HAYES \*  
JERAD K. HORNE

418 BLAND STREET  
P. O. BOX 529  
BLUEFIELD, WEST VIRGINIA 24701-0529

TELEPHONE (304) 325-9177

TELECOPIER (304) 324-0362

www.brewstermorhous.com  
firmemail@brewstermorhous.com

\*ALSO ADMITTED IN VA

September 4, 2008

Ms. Janice B. Davis, Clerk  
Raleigh County Circuit Court  
241 Main Street, Suite 111  
Beckley, West Virginia 25801

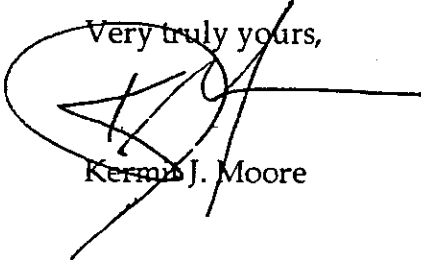
Re: Mary Webb, et al. v. Raleigh County Sheriff's Dept., et al  
Civil Action No. 08-C-406-H

Dear Ms. Davis:

Enclosed please find CERTIFICATE OF SERVICE in the above-referenced case evidencing service of Deputy John E. Hajash's Responses to Plaintiff's First Set of Requests For Admissions. I have this day served a true copy upon counsel of record. Please place these documents in the appropriate court file.

Thank you for your assistance with this matter.

Very truly yours,

  
Kermit J. Moore

KJM/sdl

Enclosed as stated

cc: ✓ Mr. Michael A. Olivio (w/encls.)  
✓ Mr. Travis A. Griffith (w/encls.)  
Mr. Chip E. Williams (w/encls.)  
Ms. Joanna Valleau (Claim No. 410-078044)(w/encls.)(via email only)  
Mr. Robert Fisher (Claim No. 410-078044)(w/encls.)  
Mr. John E. Hajash (w/encls.)

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.

**DEPUTY JOHN E. HAJASH'S RESPONSES TO PLAINTIFF'S FIRST SET OF  
REQUESTS FOR ADMISSIONS**

1. Admit that you received the initial assignment from dispatch relevant to the  
incident set forth in the Plaintiff's Complaint.

ADMIT:   X  

DENY:           

2. Admit that Defendant Kade was off-duty at the time you received the initial  
assignment call from dispatch.

ADMIT:   X  

DENY:           

3. Admit that Defendant Kade made the decision to place himself on-duty in order  
to respond to the call initially assigned to you by dispatch.

ADMIT:   X  

DENY:

4. Admit that Defendant Kade was not wearing his standard issue police uniform as issued by the Raleigh County Sheriff's Department.

ADMIT: \_\_\_\_\_ DENY:   X  

5. Admit that when responding to the Robert Webb call, you took a longer route to arrive at the location than other routes available.

ADMIT:   X   DENY: \_\_\_\_\_

6. Admit that you did not agree with the decision to take the longer route in responding to the Robert Webb call.

ADMIT: \_\_\_\_\_ DENY:   X  

7. Admit that Dispatch gave a physical description of Robert Webb to you and Defendant Kade upon arrival at scene.

ADMIT: \_\_\_\_\_ DENY:   X  

8. Admit that Dispatch advised officers upon arrival at scene that Robert Webb had not fired a gun in a while.

ADMIT: \_\_\_\_\_ DENY:   X

9. Admit that Defendant Kade made the decision to take the tactical shotgun upon exiting the patrol car.

ADMIT:   X  

DENY:           

10. Admit that you did not agree with Defendant Kade's decision to take the tactical shotgun from the patrol car on the Robert Webb call.

ADMIT:           

DENY:   X  

11. Admit that you were able to see Robert Webb in his driveway as you approached his residence.

ADMIT:   X  

DENY:           

12. Admit that you and Defendant Kade were able to hide among trees and observe Robert Webb as you approached where he was located in his driveway.

ADMIT:   X  

DENY:           

13. Admit that you and Defendant Kade were able to observe Robert Webb in his driveway from your hidden vantage point before the fatal shooting.

ADMIT:   X  

DENY:

14. Admit that you and Defendant Kade were able to witness Robert Webb turn so that he faced away from your location at which time you and Defendant Kade ran toward Robert Webb so to close the distance between your locations.

ADMIT: \_\_\_\_\_ DENY:   X  

15. Admit that neither you nor Defendant Kade announced your presence as law enforcement officers prior to the first shot being fired at Robert Webb.

ADMIT: \_\_\_\_\_ DENY:   X  

16. Admit that Defendant Kade fired the first shot at Robert Webb.

ADMIT:   X   DENY: \_\_\_\_\_

17. Admit that Robert Webb fell to the ground as a result of the shots fired by Deputy Kade.

ADMIT: \_\_\_\_\_ DENY:   X  

18. Admit that you fired at Robert Webb after he fell to the ground after being shot by Defendant Kade.

ADMIT:   X   DENY: \_\_\_\_\_

19. Admit that Robert Webb never fired a shot at either you or Defendant Kade prior to or contemporaneous with the shots fired at him by you and Defendant Kade.

ADMIT:   X  

DENY:                     

20. Robert Webb never fired a weapon at any time after officers arrived on scene and departed their vehicles.

ADMIT:   X  

DENY:                     

21. Admit that you were off work for a period of multiple months following the shooting of Robert Webb.

ADMIT:                     

DENY:                     

This defendant admits that he was off work on a medical leave however, he worked immediately following the shooting and continued to do so for eight and a half months prior to this medical leave.

22. Admit that the Raleigh County Sheriff's Department provided or attempted to provide Mike Johnson to serve as a counselor/physician following the shooting of Robert Webb.

ADMIT:   X  

DENY:

23. Admit that you did not feel comfortable with the psychiatric counseling services offered by the Raleigh County Sheriff's Department through Mike Johnson.

ADMIT: \_\_\_\_\_

DENY:   X  

24. Admit that you sought psychiatric counseling following the shooting of Robert Webb.

ADMIT: \_\_\_\_\_

DENY: \_\_\_\_\_

Objection, defendant's medical information is privileged. Furthermore, this request is irrelevant to the facts of this case and is not reasonably calculated to lead to admissible evidence, and exceeds the limits and scope of Rules 36 and 26(b) of the West Virginia Rules of Civil Procedure.

25. Admit that you sought a counselor/physician independent of the Raleigh County Sheriff's Department.

ADMIT: \_\_\_\_\_

DENY: \_\_\_\_\_

Objection, defendant's medical information is privileged. Furthermore, this request is irrelevant to the facts of this case and is not reasonably calculated to lead to admissible evidence, and exceeds the limits and scope of Rules 36 and 26(b) of the West Virginia Rules of Civil Procedure.

26. Admit that Chief Deputy Steve Tanner met with you following the shooting of Robert Webb regarding your decision to seek an independent counselor/physician.

ADMIT: \_\_\_\_\_

DENY: \_\_\_\_\_

Objection, defendant's medical information is privileged. Furthermore, this request is irrelevant to the facts of this case and is not reasonable calculated to lead to admissible evidence, and exceeds the limits and scope of Rules 36 and 26(b) of the West Virginia Rules of Civil Procedure.

27. Admit that Sheriff Moore met with you following the shooting of Robert Webb regarding your decision to seek an independent counselor/physician.

ADMIT: \_\_\_\_\_

DENY: \_\_\_\_\_

Objection, defendant's medical information is privileged. Furthermore, this request is irrelevant to the facts of this case and is not reasonable calculated to lead to admissible evidence, and exceeds the limits and scope of Rules 36 and 26(b) of the West Virginia Rules of Civil Procedure.

28. Admit that Chief Deputy Tanner wanted Dr. Syed's report changed to reflect a return-to-work status.

ADMIT: \_\_\_\_\_

DENY: \_\_\_\_\_

Objection, defendant's medical information is privileged. Furthermore, this request is irrelevant to the facts of this case and is not reasonable calculated to lead to admissible evidence, and exceeds the limits and scope of Rules 36 and 26(b) of the West Virginia Rules of Civil Procedure.

29. Admit that Sheriff Moore wanted Dr. Syed's report changed to reflect a return-to-work status.

ADMIT: \_\_\_\_\_

DENY: \_\_\_\_\_

Objection, defendant's medical information is privileged. Furthermore, this request is irrelevant to the facts of this case and is not reasonable calculated to lead to admissible evidence, and exceeds the limits and scope of Rules 36 and 26(b) of the West Virginia Rules of Civil Procedure.

30. Admit that you were pressured by Sheriff Moore and Chief Deputy Moore to talk to Dr. Syed in order to have his report changed.

ADMIT: \_\_\_\_\_

DENY: \_\_\_\_\_

Objection, defendant's medical information is privileged. Furthermore, this request is irrelevant to the facts of this case and is not reasonable calculated to lead to admissible evidence, and exceeds the limits and scope of Rules 36 and 26(b) of the West Virginia Rules of Civil Procedure.

31. Admit that your employment was terminated by the Raleigh County Sheriff's Department subsequent to the fatal shooting of Robert Webb.

ADMIT:   X  

DENY: \_\_\_\_\_

32. Admit that you believe your employment was terminated by the Raleigh County Sheriff's Department due to difficulties copying with the fatal shooting of Robert Webb.

ADMIT:   X  

DENY: \_\_\_\_\_

33. Admit that you completed the basic law enforcement officer's course provided at the West Virginia State Police Academy.

ADMIT:   X  

DENY: \_\_\_\_\_

34. Admit that the discharge of a firearm in celebration on or during the Fourth of July holiday is not an unusual event in Raleigh County, West Virginia.

ADMIT:   X  

DENY:           

35. Admit that other people living in or near the neighborhood around Robert Webb's home discharged a firearm on the night of July 3-4, 2006.

ADMIT:           

DENY:   X  

36. Admit that you received other calls from dispatch regarding the discharge of firearms on the night of July 3-4, 2006.

ADMIT:           

DENY:   X  

37. Admit that you were the subject of disciplinary action taken against you by the Raleigh County Sheriff's Department prior to July 3, 2006.

ADMIT:           

DENY:   X  

38. Admit that you were involved in an incident at Cross Roads Mall while employed by the Raleigh County Sheriff's Department which resulted in disciplinary action taken against you.

ADMIT:           

DENY:   X

39. Admit that you were not tested for drugs and/or alcohol by the Raleigh County Sheriff's Department immediately following the shooting of Robert Webb.

ADMIT:   X  

DENY:           

40. Admit that you were the subject of claims of excessive use of force prior to July 3, 2006 while employed as a law enforcement officer.

ADMIT:   X  

DENY:           

41. Admit that following the shooting of Robert Webb, you boasted of intent to get a tattoo with Robert Webb's initials and 2 bullets to commemorate the first person you shot.

ADMIT:           

DENY:   X  

42. Admit that you are responsible for making an audiotape recording of your meeting with Chief Deputy Tanner.

ADMIT:   X  

DENY:           

43. Admit that you are responsible for making an audiotape recording of your meeting with Sheriff Moore.

ADMIT:   X  

DENY:

44. Admit that you were declared unfit for duty by a counselor/physician due to psychological issues related to the shooting of Robert Webb.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

Objection, defendant's medical information is privileged. Furthermore, this request is irrelevant to the facts of this case and is not reasonable calculated to lead to admissible evidence, and exceeds the limits and scope of Rules 36 and 26(b) of the West Virginia Rules of Civil Procedure.

45. Admit you were working night shift on the evening of July 3-4, 2006, as a form of disciplinary action against you due to your involvement in the incident at Cross Roads Mall.

ADMIT: \_\_\_\_\_ DENY:   X  

46. Admit that Sheriff Moore told you that you had "done the world a favor" by killing Robert Webb.

ADMIT:   X   DENY: \_\_\_\_\_

47. Admit that Sheriff Moore told you that Robert Webb was a "lunatic."

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

This defendant can neither admit nor deny this request, and does not recall that term being used.

48. Admit that you regret shooting Robert Webb on or about July 3-4, 2006.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

Defendant admits that he regrets he was forced to shoot because of Mr. Webb's actions toward him and Deputy Kade.

49. Admit that you have suffered nightmares as a result of shooting Robert Webb.

ADMIT:  X  DENY: \_\_\_\_\_

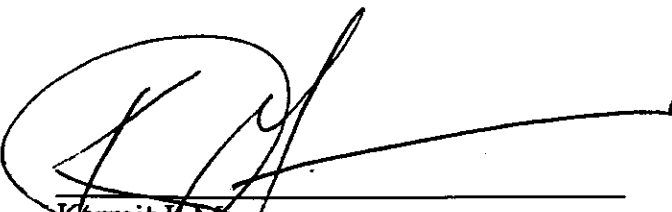
50. Admit that Mary Webb and her children were not provided grief counseling by the Raleigh County Sheriff's Department following the shooting of Robert Webb.

ADMIT: \_\_\_\_\_ DENY: \_\_\_\_\_

Defendant can neither admit or deny this request because he has no way of knowing if they were provided grief counseling or not.

JOHN E. HAJASH

By Counsel.



Kermit J. Moore  
West Virginia State Bar No. 2611  
Brewster, Morhous, Cameron,  
Caryn, Moore, Kersey & Stafford, PLLC  
Post Office Box 529  
Bluefield, West Virginia 24701  
(304) 324-034

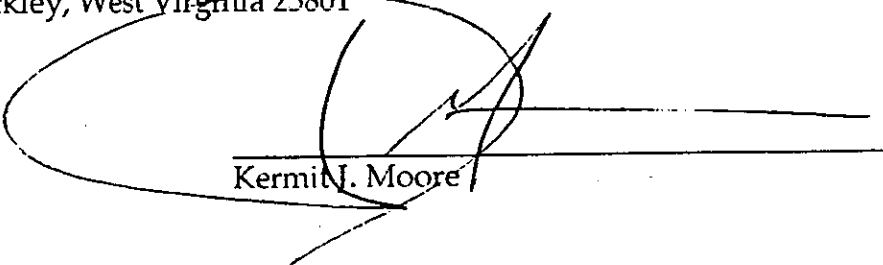
CERTIFICATE OF SERVICE

I, Kermit J. Moore, attorney for defendant John E. Hajash, hereby certify that on the 4 day of August, 2008, I served the foregoing DEFENDANT DEPUTY JOHN E. HAJASHS' RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR ADMISSIONS upon Michael A. Olivio and Travis A. Griffith, attorneys for plaintiffs, by depositing true copies thereof into the United States mail, postage prepaid, in an envelope addressed to said attorneys as follows:

Michael A. Olivio  
Romano & Olivio, PLLC  
813 Quarrier Street  
Charleston, West Virginia 25301

Travis A. Griffith  
Griffith Law Offices, PLLC  
707 Virginia Street, Suite 400  
Post Office Box 3865  
Charleston, West Virginia 25338

Chip E. Williams  
Pullin Fowler Flanagan Brown & Poe, PLLC  
600 Neville Street  
Suite 201  
Beckley, West Virginia 25801



Kermit J. Moore



BREWSTER, MORHOUS, CAMERON, CARUTH,  
MOORE, KERSEY & STAFFORD, PLLC

ATTORNEYS AT LAW

418 BLAND STREET  
P. O. BOX 529  
BLUEFIELD, WEST VIRGINIA 24701-0529

TELEPHONE (304) 325-9177

TELECOPIER (304) 324-0362

www.brewstermorhous.com  
firmemail@brewstermorhous.com

HAROLD D. BREWSTER, JR.  
LAWRENCE E. MORHOUS  
JERRY J. CAMERON  
DONALD T. CARUTH  
KERMIT J. MOORE  
DAVID M. KERSEY  
WILLIAM P. STAFFORD, II \*  
M. HUDSON MCCLANAHAN \*  
TIMOTHY G. HAYES \*  
JERAD K. HORNE

\*ALSO ADMITTED IN VA



December 10, 2008

Ms. Janice B. Davis, Clerk  
Raleigh County Circuit Court  
241 Main Street, Suite 111  
Beckley, West Virginia 25801

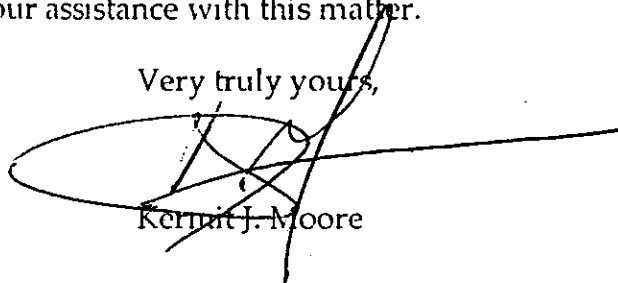
Re: Mary Webb, et al. v. Raleigh County Sheriff's Dept., et al  
Civil Action No. 08-C-406-H

Dear Ms. Davis:

Enclosed please find CERTIFICATE OF SERVICE in the above-referenced case evidencing service of Deputy John E. Hajash's Supplemental Responses to Plaintiff's First Set of Interrogatories and Request For Production of Documents. I have this day served a true copy upon counsel of record Please place this document in the appropriate court file.

Thank you for your assistance with this matter.

Very truly yours,



Kermit J. Moore

KJM/sdl

Enclosed as stated

cc: Mr. Michael A. Olivio (w/encls.)  
✓ Mr. Travis A. Griffith (w/encls.)  
Mr. Chip E. Williams (w/encls.)  
Ms. Joanna Valleau (Claim No. 410-078044)(w/encls.)(via email only)  
Mr. Robert Fisher (Claim No. 410-078044)(w/encls.)  
Mr. John E. Hajash (w/encls.)

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.

**DEPUTY JOHN E. HAJASH'S SUPPLEMENTAL RESPONSES TO PLAINTIFF'S  
FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF  
DOCUMENTS**

15. State whether within the last five years, the Defendant has been made aware of any claim for compensation which alleged that you used excessive force or the methods of employing force in your capacity as a law enforcement officer was wrongful. If your answer to this Interrogatory is "yes", state whether you are aware of any said claims resulting in a formal legal proceeding. With regard to your response to this Interrogatory, state the full name, last known address, and telephone number for the claimant who presented the claims referenced therein.

**ANSWER:** Yes, I was accused of this but after further investigation by the FBI in Beckley, West Virginia, there was no evidence to that claim and it was closed upon those findings.

16. List and describe all training provided to you as a law enforcement officer or employee of the Raleigh County Sheriff's Department, to include but not limited to, training received before becoming a deputy and all in-service training received during your employment.

**ANSWER:** West Virginia State Police Academy and some in service training but I do not have any records of my training, you would have to check with the Raleigh County Sheriff's Department.

17. State fully and in detail the current status of your employment with the Raleigh County Sheriff's Department. If you are no longer employed by the Raleigh County Sheriff's Department, please state:

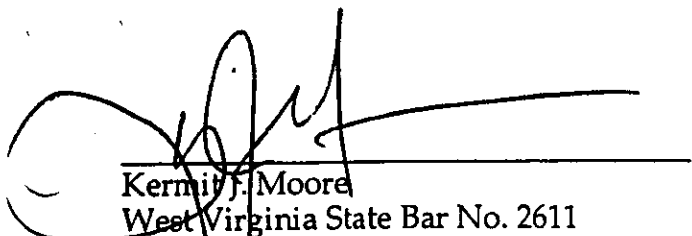
- a. whether you voluntarily resigned your position of employment or whether your employment was terminated by the Raleigh County Sheriff's Department;
- b. the date you last reported for duty and worked a full shift as an employee of the Raleigh County Sheriff's Department; and
- c. the reason you believe you are no longer employed by the Raleigh County Sheriff's Department.

**ANSWER:**

- a. Terminated while off on unpaid medical leave.
- b. March 15, 2007
- c. Because Steve Tanner and Danny Moore did not like me and did not care about me enough to help me with my problems. These two saw an opportunity to terminate my employment since I was on unpaid medical leave and they did.

JOHN E. HAJASH

By Counsel.



---

Kermit J. Moore  
West Virginia State Bar No. 2611  
Brewster, Morhous, Cameron,  
Caruth, Moore, Kersey & Stafford, PLLC  
Post Office Box 529  
Bluefield, West Virginia 24701  
(304) 324-0348

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.

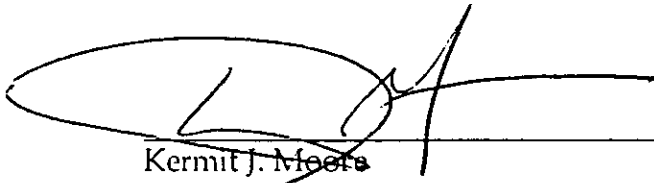
CERTIFICATE OF SERVICE

I, Kermit J. Moore, attorney for defendant John E. Hajash, hereby certify  
that on the 10 day of December, 2008, I served the foregoing DEFENDANT DEPUTY  
JOHN E. HAJASH'S SUPPLEMENTAL RESPONSES TO PLAINTIFF'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION upon Michael A. Olivio  
and Travis A. Griffith, attorneys for plaintiffs, by depositing true copies thereof into the  
United States mail, postage prepaid, in an envelope addressed to said attorneys as  
follows:

Michael A. Olivio  
Romano & Olivio, PLLC  
813 Quarrier Street  
Charleston, West Virginia 25301

Travis A. Griffith  
Griffith Law Offices, PLLC  
707 Virginia Street, Suite 400  
Post Office Box 3865  
Charleston, West Virginia 25338

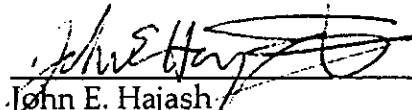
Chip E. Williams  
Pullin Fowler Flanagan Brown & Poe, PLLC  
600 Neville Street  
Suite 201  
Beckley, West Virginia 25801



Kermit J. Moore

VERIFICATION

The undersigned hereby acknowledges that he has read the foregoing Supplemental Responses to Plaintiff's First Set of Interrogatories and Requests For Production of Documents and that said Answers are true and correct according to his knowledge and belief.

  
John E. Hajash

Taken, subscribed and sworn to before the undersigned Notary Public this 10<sup>th</sup> ~~day of November~~ <sup>December</sup>, 2008.

  
Notary Public

(NOTARIAL SEAL)

