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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

N.G. AND L.G., minors, by and ) CASE NO. CV13-008312-SVW(FFMx)  
through their Guardian ad Litem, ) [Assigned to Judge Stephen V. Wilson,  
Lilliana Magallon; SARA PEREZ, ) Courtroom 6]  
)  
Plaintiffs, ) **MOTION IN LIMINE NO. 1 TO**  
) **EXCLUDE EVIDENCE OF DEPUTY**  
vs. ) **TATTOOS; DECLARATION OF ERIN**  
) **DUNKERLY AND EXHIBITS**  
COUNTY OF LOS ANGELES; )  
LEROY BACA, DEPUTIES DAVID ) **PRETRIAL CONF: May 12, 2014**  
CHEVEZ and LAWRENCE ) **TIME: 3:00 p.m.**  
SWANSON, JR.; AND DOES 3 – 10, ) **COURTROOM: 6**  
)  
Defendants. ) **Trial Date: May 20, 2014**  
)  
) *Meet & Confer pursuant to Local Rule 7-3*  
) *April 7, 2014*

**I.**  
**INTRODUCTION**

Defendants David Chevez and Lawrence Swanson, Jr., move for an order in limine excluding all evidence, testimony, or reference to any tattoos on any deputy

1 including, but not limited to Chevez and Swanson. At their depositions, plaintiffs’  
2 counsel asked Chevez and Swanson repeatedly about tattoos they obtained in mid-  
3 2013. Despite the fact that there are no facts linking these tattoos to the incident at  
4 issue in this lawsuit that occurred in October 2012, plaintiffs’ counsel intends to  
5 insinuate a connection at trial. Such argument relies on mere speculation for the  
6 purposes of inflaming the passions of the jury against the deputies. Reference to the  
7 tattoos of law enforcement are irrelevant to the issues in this case and would be  
8 unduly prejudicial to defendants. For these reasons, such evidence or reference should  
9 be precluded.

10 **II.**

11 **DESPITE PLAINTIFFS’ ARGUMENTATIVE QUESTIONING, THE**  
12 **DEPUTIES TESTIFIED THAT THEY OBTAINED TATTOOS AS A SHOW**  
13 **OF PRIDE IN THEIR STATION, AND CONFIRMED THERE WAS NO**  
14 **CONNECTION TO THE SHOOTING OF GUTIERREZ**

15 At their respective depositions, deputies Chevez and Swanson were asked at  
16 length about their tattoos. Both testified that in 2013 they each had their LASD  
17 station’s mascot, which is a reaper, tattooed on them. Declaration of Erin Dunkerly  
18 (“Dunkerly Decl.”), ¶5, Exhibit (“Ex.”) C (Swanson Depo. Vol. 2) at 167:21-21; 170:  
19 23-25; ¶1, Ex. A (Chevez Depo. Vol. 1) at 64:14-16. Both deputies testified that the  
20 reason they received the tattoos in 2013 was to show pride in their station. Dunkerly  
21 Decl., ¶5, Ex. C (Swanson Depo. Vol. 2) at 166:20-25; 167:4-8; 168:11-19; 171:15-  
22 19; ¶4, Ex. B (Chevez Depo. Vol. 2) at 69:15-22; 72:21-73:3.)

23 During the deposition, counsel for plaintiffs attempted to link the tattoos to the  
24 shooting of Gutierrez. Dunkerly Decl., ¶5, Ex. C (Swanson Depo. Vol. 2) 178:12-14;  
25 ¶4, Ex. B (Chevez Depo. Vol. 2) 69:16-70:20; 73:15-74:4; 75:11-76:1; 77:6-80:25.)  
26 While meeting and conferring on this motion, counsel for plaintiff confirmed that at  
27 trial they intend to argue that these tattoos on Chevez and Swanson, somehow  
28 establish a motive for Chevez’s shooting of Jilberto Gutierrez, which occurred

1 approximately six months *prior*. Dunkerly Decl. ¶6. Defendants and informed and  
2 believe that plaintiffs intend to argue that Chevez and Swanson’s action of obtaining a  
3 station tattoo is tantamount to their being in an illegal gang and that the tattoos are  
4 similar to gang tattoos to commenorate and/or incentivize the killing of others.  
5 Dunkerly Decl. ¶6. Counsel for defendants noted to plaintiffs the complete lack of any  
6 evidence produced to date that suggests anything connecting Deputies Chevez or  
7 Swanson to such inflammatory conduct.

8 **III.**

9 **EVIDENCE OF LASD TATTOOS ARE IRRELEVANT TO THIS CASE;**  
10 **RATHER, PLAINTIFFS INTEND TO RELY ON HEARSAY AND**  
11 **SPECULATION WHICH WOULD PREJUDICE DEFENDANTS**

12 Defendants move for an order excluding any evidence, testimony, or reference  
13 to any tattoos on any deputy including, but not limited to Chevez and Swanson  
14 because they were obtained long after the shooting and there are no credible facts  
15 establishing any connection between the shooting and the tattoos. Therefore, the  
16 tattoos are irrelevant to the issues of this case. See FRE 401 and 402 (relevance).

17 To the extent plaintiffs seek to introduce evidence about tattoos among other  
18 members of the LASD, such evidence would not only be irrelevant, but would also  
19 constitute inadmissible hearsay. FRE 801(c) (hearsay).

20 Finally, even if plaintiffs were able to cobble together some basis to admit  
21 evidence of tattoos of LASD deputies, such evidence, testimony, or reference would  
22 nonetheless be unduly prejudicial to defendants because it would suggest to the jury  
23 that Chevez and Swanson were tantamount to gang members conducting a hit. FRE  
24 403 (probative value is outweighed by unfair prejudice); Dunkerly Decl. ¶7.

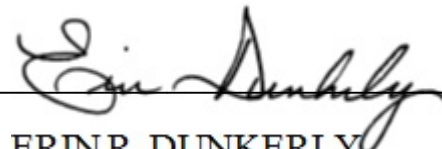
25 **IV.**

26 **CONCLUSION**

27 Deputies Chevez and Swanson were asked and testified as to tattoos received  
28 months after the October 18, 2012 incident that is at issue in this case. Based on the

1 lines of questioning at the depositions, it appears plaintiffs would raise the existence  
 2 of the tattoos to erroneously argue that the tattoos obtained after the shooting were  
 3 somehow a cause of or a motivation for the shooting. To the contrary, there is no  
 4 credible evidence that these tattoos were in any way related to the shooting; therefore,  
 5 reference to the tattoos would only serve to prejudice the defendants, consume an  
 6 undue amount of time and improperly inflame the passions of the jury. For these  
 7 reasons, Defendants respectfully request this Court grant motion in limine number 1  
 8 and preclude all evidence, testimony, or reference to any tattoos on any deputy  
 9 including, but not limited to Chevez and Swanson.

10 DATED: April, 14, 2014 COLLINS COLLINS MUIR + STEWART LLP

11  
 12 By:   
 13  
 14 ERIN R. DUNKERLY  
 15 TOMAS A. GUTERRES  
 16 CATHERINE M. MATHERS  
 17 Attorneys for Defendants, COUNTY OF  
 18 LOS ANGELES, DEPUTY DAVID  
 19 CHEVEZ and DEPUTY LAWRENCE  
 20 SWANSON, JR.  
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**DECLARATION OF ERIN R. DUNKERLY, ESQ.**

I, Erin R. Dunkerly, declare:

1. I am an attorney admitted to practice before all the courts of the State of California. I am an associate in the law firm of Collins, Collins, Muir + Stewart, LLP, counsel of record for Defendants herein, County of Los Angeles, Leroy Baca, Deputy Lawrence Swanson, David Chevez. The following facts and circumstances are personally known to me and if called upon to do so, I could and would competently testify as to them. As to those matters stated upon information and belief, I am informed and believe them to be true.

2. This declaration is provided in support of Chevez and Swanson’s Motion in limine number one.

3. Attached hereto as Exhibit “A” is a true and correct copy of relevant portions of the deposition of David Chevez, Vol. 1.

4. Attached hereto as Exhibit “B” is a true and correct copy of relevant portions of the deposition of David Chevez, Vol. 2.

5. Attached hereto as Exhibit “C” is a true and correct copy of relevant portions of the deposition of Lawrence Swanson, Volume 2.

6. On April 10, 2013, in a telephone conference call with plaintiffs’ counsel Robert Shtofman, Samuel Ogbogu, and Gary Casselman, plaintiffs claimed the tattoos show motive even though the tattoos were obtained months after the incident. Plaintiffs’ counsel compared Chevez and Swanson’s tattoos to tattoos of prison gang members who obtain a “tear drop” tattoo on their face after successfully killing another inmate. Through that conversation and the questioning of the deputies at deposition, I am informed and believe that at a trial plaintiffs intend to argue that these tattoos on Chevez and Swanson, somehow establish a motive for Chevez’s shooting of Jilberto Gutierrez, which occurred approximately six months prior. Plaintiffs’ counsel’s theory is based only on their own speculation and as of the signing of this

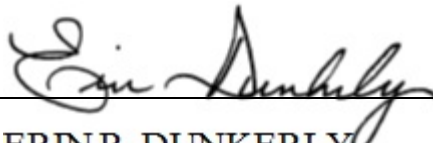
1 declaration, I have received no credible evidence linking the tattoos of Chevez or  
2 Swanson in any way to the shooting of Gutierrez.

3 7. I am informed and believe that at trial, evidence of the deputies' tattoos  
4 would consume an undue amount of trial time. Were plaintiffs permitted to introduce  
5 evidence or argument about the tattoos, defendants would then be put in the position  
6 of explaining the contents of tattoos that were obtained six months after the shooting  
7 at issue. This would amount to a mini trial within the trial to establish the reasons why  
8 tattoos were obtained. This process would not only consume trial time, but would  
9 confuse the jury.

10 8. I met and conferred with plaintiffs' counsel regarding this and other  
11 motions in limine by sending a letter on April 7, 2014, which identified the proposed  
12 motions in limine and the legal basis for each. I also spoke with all three plaintiffs'  
13 counsel by telephone on April 10, 2014 and we were unable to resolve this issue.

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct.

16 Executed April 14, 2014, at South Pasadena, California.

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19 \_\_\_\_\_  
20 ERIN R. DUNKERLY

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# **EXHIBIT A**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

N.G. AND L.G., minors, by and	)	
through their Guardian ad Litem,	)	
Lilliana Magallon; SARA PEREZ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No.
	)	CV13-008312-SVW
COUNTY OF LOS ANGELES; LEROY	)	(FFMx)
BACA; DAVID CHEVEZ; LAURENCE	)	
SWANSON,; and DOES 5-10,	)	Volume I
	)	
Defendants.	)	
_____	)	

VIDEOTAPED DEPOSITION OF DAVID CHEVEZ

Los Angeles, California

Wednesday, March 5, 2014

Reported by: Elena C. Chester  
CSR No. 10274  
NDS Job No.: 161028



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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

N.G. AND L.G., minors, by and	)	
through their Guardian ad Litem,	)	
Lilliana Magallon; SARA PEREZ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No.
	)	CV13-008312-SVW
COUNTY OF LOS ANGELES; LEROY	)	(FFMx)
BACA; DAVID CHEVEZ; LAURENCE	)	
SWANSON, ; and DOES 5-10,	)	Volume I
	)	
Defendants.	)	
_____	)	

VIDEOTAPED DEPOSITION OF DAVID CHEVEZ,  
taken on behalf of the Plaintiffs, at 4311  
Wilshire Boulevard, Suite 308, Los Angeles,  
California, on Wednesday, March 5, 2014,  
beginning at 10:30 A.M. and ending at 2:57 P.M.,  
before Elena C. Chester, Certified Shorthand  
Reporter Number 10274.

1 APPEARANCES:

2

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31 cmathers@ccmslaw.com

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34 Also Present:

35 DEPUTY LAWRENCE E. SWANSON, JR.

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DEPONENT

DAVID CHEVEZ

EXAMINATION

PAGE

By Mr. Casselman

6

EXHIBITS

MARKED

DESCRIPTION

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Exhibit 1 Deponent's sketch of the hospital room

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Exhibit 2 Side-view photo of Deputy Chevez, standing/leaning position

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Exhibit 3 Front-view photo of Deputy Chevez, standing/leaning position

152

QUESTIONS SUBJECT TO INSTRUCTION NOT TO ANSWER

(None)

INFORMATION REQUESTED

(None)

1 LOS ANGELES, CALIFORNIA;

2 WEDNESDAY, MARCH 5, 2014; 10:30 A.M.

3

4 MR. CASSELMAN: Good morning. Today is  
5 March 5, 2014. We are here, in the office of  
6 Mr. Ogbogu. And that's at 4311 Wilshire Boulevard,  
7 Suite 308, Los Angeles, California. And this is  
8 the deposition of David Chevez, C-h-e-v-e-z. And  
9 this is the case of N.G. and L.G., et al., v.  
10 County of Los Angeles, et al.; in U.S. District  
11 Court; Case CV13-008312-SVW (FFMx).

12 My name is Gary Casselman. And pursuant  
13 to Federal Rules of Civil Procedure, Rule 28, I  
14 will be the person video-ing the proceedings here.  
15 I'm also an attorney for the plaintiffs, and so I  
16 will be multitasking.

17 Hopefully, we won't have too many  
18 construction workers whistling outside our window.

19 In any event, sir, have you ever had your  
20 deposition taken before?

21 THE DEPONENT: No.

22 THE REPORTER: Counsel, would you like me  
23 to swear the witness in?

24 MR. CASSELMAN: All right. Let's go  
25 ahead and swear the witness.

1 have of any words?

2 A. I really can't give you -- I don't want  
3 to speculate.

4 Q. Now, you are trained that you are not  
5 allowed to use force against somebody because they  
6 use profanity against you; right?

7 A. Correct. That would be unreasonable  
8 force.

9 Q. And by the way, do you have any tattoos  
10 on yourself, sir?

11 A. Yes, I do.

12 MS. MATHERS: Objection. It's a  
13 violation of his privacy.

14 Q. BY MR. CASSELMAN: And on what part of  
15 your body are they, sir?

16 A. I have a tattoo on my ankle.

17 Q. And what is it of?

18 A. It's a tattoo of a reaper.

19 Q. Like a Grim Reaper?

20 A. Like a Grim Reaper, yes.

21 Q. And which ankle is it, sir?

22 A. It's on my left ankle.

23 Q. And does it have a number?

24 A. Yes, it does.

25 Q. What's the number?

1           A.    96.

2           Q.    And when did you receive it?

3           A.    It would be sometime last year.

4           Q.    After the shooting?

5           A.    Yes, it was.

6           Q.    And what would be the date that you got  
7 it?

8           A.    I really don't know the date.

9                   MS. MATHERS:  You can just give him an  
10 approximation.

11           Q.    BY MR. CASSELMAN:  This is early March.  
12 So was it in December?  November?  I mean, it was  
13 last year; right?

14           A.    No, the incident wasn't in March.

15           Q.    No.  I'm saying we are in March now.

16           A.    I'm sorry.

17           Q.    So when, in time, did you get your "Grim  
18 Reaper No. 96" tattoo?

19           A.    Well, I never said it was a Grim Reaper.  
20 I (unintelligible) --

21                   (Two or more voices speaking at once.)

22           Q.    BY MR. CASSELMAN:  It was a reaper?

23           A.    It was described as "a Grim Reaper."

24                   MS. MATHERS:  He just wants the  
25 approximate date that you got the tattoo.

1           THE DEPONENT: Probably about -- I'd say  
2           about a year ago. Maybe March of 2013.

3           Q. BY MR. CASSELMAN: March of 2013. Where  
4           did you get it?

5           A. At -- well, it was a tattoo shop. And I  
6           really don't remember where it was at.

7           Q. Well, let's start out with the county.  
8           Was it L.A. county?

9           A. Yeah, I believe so.

10          Q. And what was the name of the tattoo shop  
11          or its location?

12          A. I really don't remember.

13          Q. How did you learn about the tattoo  
14          shop?

15          A. What do you mean, "how did I learn about  
16          it"?

17          Q. Pardon me?

18          A. What do you mean by "how did I learn  
19          about it"?

20          Q. Well, why did you pick that particular  
21          tattoo shop?

22                   MS. MATHERS: I'll object on relevance  
23                   grounds.

24                   But go ahead.

25                   THE DEPONENT: I didn't pick a tattoo

1 shop. I really --

2 Q. BY MR. CASSELMAN: Well, you showed up  
3 there and you got a tattoo, sir. Where did the  
4 idea come from to go to that shop? Did someone  
5 tell you?

6 A. No. I really don't know why we went to  
7 that shop.

8 Q. Who was with you? You say "we."

9 A. I was with a couple of buddies of mine.

10 Q. From the Sheriff's Department?

11 A. Some of them were, yes.

12 Q. Please identify the people that you were  
13 with.

14 A. I was with --

15 MS. MATHERS: Just objection, for the  
16 record, that this violates the right of privacy to  
17 (sic) individuals not a party to this litigation.

18 MR. CASSELMAN: They are witnesses.

19 Q. Go ahead, sir.

20 A. I was with Deputy Swanson, Deputy Munoz,  
21 and Deputy Meza.

22 Q. What is Munoz's first name?

23 A. Ramon Munoz.

24 Q. And which of you got tattoos that day?

25 A. Deputy Swanson and I got tattoos that



1 day.

2 Q. Both on your left ankle?

3 A. Yes, sir.

4 Q. And describe this reaper tattoo that you  
5 have, with the number. Or you can show it to me.

6 MS. MATHERS: He will not be showing  
7 tattoos during the deposition, but I will allow him  
8 to physically describe it.

9 THE DEPONENT: Just a reaper. Just a  
10 reaper.

11 Q. BY MR. CASSELMAN: Just a reaper?

12 A. Yeah, it's just a reaper.

13 Q. So you've always wanted to have a reaper  
14 tattoo? Or sometime in 2013, after the October  
15 2012 incident, you decided to get a reaper  
16 tattoo?

17 MS. MATHERS: Objection.  
18 Argumentative.

19 Q. BY MR. CASSELMAN: Let's start over.  
20 When did you get the idea to have a reaper  
21 tattoo?

22 A. As -- it's a kind of a vague question. I  
23 mean, can you --

24 Q. It's not vague at all, sir. When did you  
25 get the idea to get a reaper tattoo? I can't make

1 it any plainer than that.

2 MS. MATHERS: Objection. Argumentative.

3 Just tell him when you made the decision  
4 to get the tattoo.

5 THE DEPONENT: I've always wanted a  
6 tattoo.

7 Q. BY MR. CASSELMAN: What about that -- do  
8 you have other tattoos?

9 A. No, I do not.

10 Q. Okay. So you always wanted a tattoo.

11 Did you always want a reaper tattoo?

12 A. Not necessarily a reaper tattoo. But I  
13 always wanted a station tattoo. I've always wanted  
14 one.

15 Q. A station tattoo? Okay. What is a  
16 station tattoo, as you understand it?

17 A. It's a tattoo that people from different  
18 stations would get, that would somehow -- they  
19 would somehow show some type of pride, some type  
20 of -- it's hard to describe. But just, like, if  
21 you are proud of something. Something you would  
22 get to show you are proud of (sic).

23 Q. Are you proud that you killed  
24 Mr. Gutierrez?

25 MS. MATHERS: Objection.

1 Argumentative.

2 THE DEPONENT: The fact that you are  
3 asking me about tattoo (sic) and you are referring  
4 it to Mr. Gutierrez is very, very -- it hurts me.  
5 And it's very disappointing that you would even  
6 mention that.

7 Q. BY MR. CASSELMAN: Well, I'm sorry to  
8 disappoint you, sir, but (unintelligible) --

9 (Two or more voices speaking at once.)

10 (Reporter's request to speak one at a  
11 time.)

12 Q. BY MR. CASSELMAN: You know that you left  
13 a man's children fatherless, don't you, sir?

14 MS. MATHERS: Objection.

15 Argumentative.

16 MR. CASSELMAN: Well, the man is going  
17 into ad hominem here, so I'm responding.

18 MS. MATHERS: Well, I will object. And  
19 if it continues down this road, I will ask that we  
20 take a break from the deposition.

21 Q. BY MR. CASSELMAN: Sir, let's get back on  
22 the road that we were on. When did you decide to  
23 get a reaper tattoo?

24 A. I do not know when. I've always wanted  
25 one.

1 Q. Always. How old are you?

2 A. I'm 33 years old.

3 Q. What's your date of birth?

4 A. March 11, 1980.

5 Q. I'm sorry?

6 A. March 11, 1980.

7 Q. So since you were born, you wanted a  
8 reaper tattoo? You said you've "always wanted" it.

9 A. No.

10 Q. Were you exaggerating when you said  
11 that?

12 A. Yeah, I guess I was.

13 Q. All right. So let's get more accurate.  
14 Did you -- when did you join the Sheriff's  
15 Department?

16 A. 2005.

17 Q. And what did you do before 2005?

18 A. I did electrical work.

19 Q. What kind of electrical work?

20 A. Mainly, like, an apprentice.

21 Q. So you were, like, an apprentice to an  
22 electrician?

23 A. Yeah. I worked with my father.

24 Q. Okay. So you'd go to houses and do  
25 electrician-type work?

1           A.    It was mainly commercial/industrial.

2           Q.    Okay.  And in 2005, you joined the  
3 Sheriff's Department?

4           A.    Correct.

5           Q.    When did you -- in 2005?

6           A.    Excuse me.  June of 2005.

7           Q.    And that's when you first attended the  
8 academy?

9           A.    Yes.

10          Q.    Is that the Rio Hondo Academy or  
11 somewhere else?

12          A.    The academy at the L.A. -- our L.A.  
13 County Sheriff's Department, which is in  
14 Whittier.

15          Q.    STAR Center?

16          A.    STAR Center.

17          Q.    And so, before you joined the Sheriff's  
18 Department, had you always wanted a reaper  
19 tattoo?

20          A.    No.

21          Q.    So sometime after you joined the  
22 Sheriff's Department, you decided you wanted a  
23 reaper tattoo?

24          A.    Correct.

25          Q.    And that was to show pride in your

1 involvement with the Sheriff's Department, at that  
2 station?

3 A. Correct.

4 (Mr. Shtofman joins the proceedings.)

5 Q. BY MR. CASSELMAN: So are you saying that  
6 everybody who is at the South L.A. Station shows  
7 pride in being there with a reaper tattoo on their  
8 ankle, like yours?

9 MS. MATHERS: Objection. Lacks  
10 foundation as to every deputy at the station.

11 Q. BY MR. CASSELMAN: Well, sir, how many  
12 deputies at your station have a reaper tattoo, to  
13 your knowledge?

14 A. I don't know.

15 Q. Well, was it a coincidence that you and  
16 your partner, Swanson, decided to get reaper ankle  
17 tattoos at the same time, at the same tattoo  
18 parlor, after -- within months after the fatal  
19 shooting of Mr. Gutierrez?

20 MS. MATHERS: Objection. Compound.  
21 Argumentative.

22 Q. BY MR. CASSELMAN: You can answer.

23 A. Like I said before, the tattoo had  
24 nothing to do with the shooting.

25 Q. So you say. So you and Mr. Swanson

1 did -- Deputy Swanson -- did you discuss getting  
2 these tattoos together?

3 A. I don't remember if we discussed getting  
4 the tattoos together.

5 Q. But it just happened that you were both  
6 at the same tattoo parlor, at the same time,  
7 getting a reaper tattoo on your ankle?

8 Is that about how it happened?

9 A. Correct.

10 Q. Was it a coincidence, or did you go there  
11 together?

12 A. I told you we went together. Yes.

13 Q. All right. And Munoz went with you;  
14 correct?

15 A. Deputy Munoz and Deputy Meza, yes.

16 Q. What's the last name?

17 A. Juan Meza, M-e-z-a.

18 Q. Are these all folks who are deputies at  
19 the same station as you?

20 A. Yes, they are.

21 Q. Okay. Describe the design of the reaper  
22 tattoo that you and Swanson received.

23 MS. MATHERS: Objection. Asked and  
24 answered.

25 MR. CASSELMAN: Never got an answer.

1           THE DEPONENT: That -- it's a reaper --  
2           tattoo of the reaper.

3           Q. BY MR. CASSELMAN: Well, what -- describe  
4           what that is. I mean, I have my own idea, but I  
5           don't want to leave it up in the air, for anybody  
6           to make their own conclusions.

7           A. It's a tattoo of a reaper holding a --

8           Q. Thing with -- a long curvy thing, with a  
9           big staff?

10          A. Yes.

11          Q. That's, like -- that's, like, the symbol  
12          for death, isn't it -- the reaper?

13          MS. MATHERS: Objection. Lacks  
14          foundation.

15          If you know, you may answer.

16          THE DEPONENT: I know it -- I've known it  
17          to be a symbol for death. That's not the only  
18          symbol for it, but yeah, it's a symbol of death.

19          Q. BY MR. CASSELMAN: So it's your testimony  
20          that you got this tattoo, with your partner, after  
21          the shooting of Mr. Gutierrez, in which  
22          Mr. Gutierrez died, to show pride?

23          A. Like I said, you keep -- I know you want  
24          to bring it in, and you want to somehow tie in the  
25          tattoo with the unfortunate incident, but it had



1 nothing to do with the incident.

2 Q. So when did you and Deputy Swanson decide  
3 to go there together? Was it just a  
4 spur-of-the-moment thing?

5 A. I don't remember when we decided to go.

6 Q. And now that we've been discussing it for  
7 a while, do you remember the tattoo parlor?

8 A. No, I do not.

9 Q. So basically, this person, the reaper --  
10 is he wearing, like, long, flowing robes, like, at  
11 least, the image I get of a reaper, with a  
12 scythe -- I think that's what it's called?

13 S-c-y-t-h-e, for the record.

14 A. Yeah, he does have some type of robe, I  
15 believe.

16 Q. How big is this tattoo?

17 A. I'd say, about 3 or 4 inches.

18 Q. And is it on the outside or the inside of  
19 your left ankle?

20 A. It's on the inside of my left ankle.

21 Q. And so, when you are wearing socks, is it  
22 covered up?

23 A. It can be covered up with socks, yes.

24 Q. And does anybody in the Department know  
25 that you've got this tattoo?

1 MS. MATHERS: Objection. Lacks

2 foundation.

3 Q. BY MR. CASSELMAN: Have any supervisors  
4 seen it, to your knowledge?

5 A. I'm sure they did. I'm sure they have.

6 Q. So is there a group of people, called  
7 "The Reapers," who have tattoos and work for the  
8 Sheriff's Department?

9 A. I do not -- I don't know if there is a  
10 group.

11 Q. Well, do you have, like, a sign that you  
12 give to other "Reapers"?

13 A. No, there isn't, sir.

14 Q. Maybe a "scythe" sign, or something?

15 A. No, there isn't.

16 Q. Do you have, like, "Reaper" meetings?

17 A. No, we don't.

18 Q. Do you have a "Reaper" code or password  
19 or anything?

20 A. No, we don't.

21 Q. So what do the "Reapers" do, besides get  
22 tattoos?

23 A. Nothing, really. They are just honest,  
24 hard-working, loyal people who are very proud of  
25 being members of the station.

1           Q. I see. Well, to your knowledge, have --  
2           did Meza and Munoz get reaper tattoos?

3           A. Yes, they do have reaper tattoos.

4           Q. Did they get them the same day that you  
5           and Swanson did?

6           A. No, they did not.

7           Q. Were they involved in a fatal shooting,  
8           like you and Swanson?

9                   MS. MATHERS: Objection. This goes to  
10           the personnel records of other deputies, that are  
11           not a party to this lawsuit. Violates official  
12           information privilege.

13                   MR. CASSELMAN: We also have a Monell  
14           allegation.

15                   MS. MATHERS: And I have to remind  
16           counsel that the discovery on Monell has been  
17           stayed, as the matter has been bifurcated.

18                   MR. CASSELMAN: But it also goes to  
19           motive and goes to punitive damages as well as to  
20           the individual. So your record is --

21                   MS. MATHERS: As to Meza and Munoz?

22                   MR. CASSELMAN: No. These individuals,  
23           in this case.

24                   MS. MATHERS: Well, I'm not stopping you  
25           from asking questions related to these two

1 deputies, but I would ask you to refrain from  
2 asking questions about other deputies when we have  
3 absolutely no protective order in place.

4 Q. BY MR. CASSELMAN: Sir, do you know if  
5 these other deputies that you mentioned, Munoz and  
6 Meza, were involved in officer-involved shootings?  
7 You can answer that "yes" or "no."

8 MS. MATHERS: Same objections. Also,  
9 lacks foundation.

10 But if you know, you may answer.

11 THE DEPONENT: They've never been  
12 involved in a shooting.

13 Q. BY MR. CASSELMAN: How do you know that?  
14 They told you?

15 A. Because I've worked with them.

16 Q. So the days you worked with them, they  
17 weren't in a shooting? Is that your basis for  
18 saying that?

19 A. No. If someone was involved in a  
20 shooting at our station, it's--

21 Q. Everybody would know about it?

22 A. It's a big deal. Everyone knows about  
23 it. People respond to support the shooters,  
24 because it's a very traumatic situation. So  
25 everybody responds and shows some type of support.

1 All people respond. Even the captain responds.  
2 Chiefs and commanders respond. Priests respond.  
3 It's a very traumatic experience, and a lot of  
4 people respond to show support. So when there is a  
5 deputy-involved shooting, the entire station knows  
6 about it. Deputy Munoz and Deputy Meza had been  
7 working at South L.A. Station three months prior to  
8 when I arrived, and they have never been involved  
9 in a shooting.

10 Q. Have they been involved in a homicide?

11 MS. MATHERS: Objection. Lacks  
12 foundation. Relevance. You are asking if they've  
13 committed a homicide?

14 Q. BY MR. CASSELMAN: Have they been  
15 involved in a homicide? Have they killed anyone?

16 MS. MATHERS: Objection. Lacks  
17 foundation. Violates privacy rights of Deputies  
18 Meza and Munoz.

19 But if you know, you may answer.

20 THE DEPONENT: Have they killed anybody  
21 how?

22 Q. BY MR. CASSELMAN: There are lots of  
23 ways, sir. But to your knowledge, have they killed  
24 anyone?

25 A. No, they haven't, sir.

1 MR. SHTOFMAN: And it will be treated as  
2 though he had signed?

3 MR. CASSELMAN: And it will be treated as  
4 though he had signed it.

5 MS. MATHERS: So stipulated.

6 MR. CASSELMAN: Thank you. Okay. I'm  
7 ending the --

8 MS. MATHERS: And one more thing. And  
9 the videotape of this proceeding will be provided  
10 to counsel?

11 MR. CASSELMAN: There is no tape, but the  
12 recording will be made available.

13 MS. MATHERS: Thank you for that  
14 correction, but yes.

15 MR. CASSELMAN: Sure. For the record,  
16 end of video.

17 THE REPORTER: The deposition session is  
18 completed.

19 (Deposition session concluded at 2:57 P.M.)  
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PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
at \_\_\_\_\_, \_\_\_\_\_.  
(CITY) (STATE)

\_\_\_\_\_  
DAVID CHEVEZ

1 STATE OF CALIFORNIA )  
 ) ss:  
 2 COUNTY OF LOS ANGELES )

3

4 I, ELENA C. CHESTER, do hereby certify:

5 That I am a duly qualified Certified Shorthand  
 6 Reporter, in and for the State of California, holder of  
 7 certificate number 10274, which is in full force and  
 8 effect and that I am authorized to administer oaths and  
 9 affirmations;

10 That the foregoing deposition testimony of the  
 11 herein named witness was taken before me at the time and  
 12 place herein set forth;

13 That prior to being examined, the witness named  
 14 in the foregoing deposition, was duly sworn or affirmed  
 15 by me, to testify the truth, the whole truth, and  
 16 nothing but the truth;

17 That the testimony of the witness and all  
 18 objections made at the time of the examination were  
 19 recorded stenographically by me, and were thereafter  
 20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true  
 22 and accurate record of the proceedings and testimony to  
 23 the best of my skill and ability;

24 That prior to the completion of the foregoing  
 25 deposition, review of the transcript was requested.



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I further certify that I 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, nor am I financially interested in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
ELENA C. CHESTER, CSR No. 10274

# **EXHIBIT B**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

N.G. AND L.G., minors, by and	)	
through their Guardian ad Litem,	)	
Lilliana Magallon; SARA PEREZ,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No.
	)	CV13-008312-SVW
COUNTY OF LOS ANGELES; LEROY	)	(FFMx)
BACA; DAVID CHEVEZ; LAURENCE	)	
SWANSON,; and DOES 5-10,	)	Volumes II and III
	)	
Defendants.	)	
_____	)	

VIDEOTAPED DEPOSITION OF DAVID CHEVEZ,  
taken on behalf of the Plaintiffs, at 4311  
Wilshire Boulevard, Suite 308, Los Angeles,  
California, on Thursday, March 6, 2014,  
beginning at 10:15 A.M. and ending at 3:22  
P.M., and on Friday, March 7, 2014, beginning  
at 10:38 A.M. and ending at 10:45 A.M., before  
Elena C. Chester, Certified Shorthand Reporter  
Number 10274.

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cmathers@ccmslaw.com

Also Present:

DEPUTY LAWRENCE E. SWANSON, JR.  
  
EDWARD ORTEGA

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DEPONENT

DAVID CHEVEZ

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## EXHIBITS

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QUESTIONS SUBJECT TO INSTRUCTION NOT TO ANSWER

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(None)

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\* Non-confidential portions of the transcript. The confidential portion, pages 303 to 323, are bound and indexed separately.

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LOS ANGELES, CALIFORNIA;

THURSDAY, MARCH 6, 2014; 10:15 A.M.

MR. CASSELMAN: Okay. We are on the record, starting video Volume II. This is a continuing deposition of David Chevez in the case of N.G. and L.G. v. County of Los Angeles, et al., 13-008 -- I'm trying to remember -- thank you -- 8312 -- again, CV13-008312.

The time is now approximately 10:15 A.M. We are at the law offices of Mr. Ogbogu, at 4311 Wilshire Boulevard, Suite 308, in Los Angeles, California. And this is the continuing deposition of Mr. Chevez, designated Volume II.

We'll just have ID for the record, for the audio.

Ms. Reporter, starting to my left.

THE REPORTER: Elena Chester, of Network Deposition Services.

THE DEPONENT: David Chevez.

MS. MATHERS: Catie Mathers, on behalf of the defendants.

DEPUTY SWANSON: Lawrence Swanson.

MR. OGBOGU: Samuel Ogbogu, for the plaintiffs.



1 have you seen a tattoo like that before, that says  
2 "Fuck Pigs"?

3 A. Sir, I see them almost on a daily basis  
4 where I work.

5 Q. Does that -- does that, like, indicate  
6 membership in some kind of a group or just  
7 unhappiness with police?

8 MS. MATHERS: Objection. Lacks  
9 foundation.

10 But if you know.

11 THE DEPONENT: I really don't know. I  
12 would assume that the majority of the people that  
13 live in the community where we work are very  
14 unhappy with the police. They have an animosity  
15 towards us. It's very common.

16 Q. BY MR. CASSELMAN: Did you see any  
17 tattoos on Mr. Gutierrez before you shot him?

18 A. No.

19 Q. Did you see any tattoos on him after you  
20 shot him?

21 A. No.

22 Q. Did you have any tattoos, yourself,  
23 before you shot him?

24 A. No.

25 Q. And have -- besides the reaper tattoo on

1 the inner aspect of your left ankle, do you have  
2 any other tattoos?

3 A. No, I do not.

4 Q. And how is it that you -- did you have a  
5 discussion with Deputy Swanson before you both  
6 appeared at that tattoo parlor with other  
7 sheriff's deputies?

8 MS. MATHERS: Objection. Asked and  
9 answered.

10 But go ahead.

11 THE DEPONENT: No, not really.

12 Q. BY MR. CASSELMAN: And were you partners  
13 on the day that you went to the tattoo parlor?

14 A. No, we weren't.

15 Q. So you were no longer partners at that  
16 time?

17 A. We weren't.

18 Q. When did you stop partnering with  
19 Deputy Swanson?

20 A. I believe it was that night -- of the  
21 incident.

22 Q. Do you know why?

23 A. I was assigned to a desk, so I wasn't  
24 patrolling anymore.

25 Q. Why were you assigned to a desk?

1 "MR. CASSELMAN: Thank you. Okay.

2 I'm ending the --"

3 "MS. MATHERS: And one more thing.

4 And the videotape of this proceeding will  
5 be provided to counsel?"

6 "MR. CASSELMAN: There is no tape,  
7 but the recording will be made  
8 available."

9 "MS. MATHERS: Thank you for that  
10 correction, but yes."

11 "MR. CASSELMAN: Sure.")

12 THE REPORTER: Now the deposition is  
13 completed?

14 MR. CASSELMAN: All right. This  
15 deposition is completed subject to our discussion  
16 about the tattoos.

17 MS. MATHERS: Yes.

18 THE REPORTER: The deposition is  
19 completed.

20 (Deposition concluded at 10:45 A.M.)

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PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
at \_\_\_\_\_, \_\_\_\_\_.  
(CITY) (STATE)

\_\_\_\_\_  
DAVID CHEVEZ

1 STATE OF CALIFORNIA )  
 ) ss:  
 2 COUNTY OF LOS ANGELES )

3

4 I, ELENA C. CHESTER, do hereby certify:

5 That I am a duly qualified Certified Shorthand  
 6 Reporter, in and for the State of California, holder of  
 7 certificate number 10274, which is in full force and  
 8 effect and that I am authorized to administer oaths and  
 9 affirmations;

10 That the foregoing deposition testimony of the  
 11 herein named witness was taken before me at the time and  
 12 place herein set forth;

13 That prior to being examined, the witness named  
 14 in the foregoing deposition, was duly sworn or affirmed  
 15 by me, to testify the truth, the whole truth, and  
 16 nothing but the truth;

17 That the testimony of the witness and all  
 18 objections made at the time of the examination were  
 19 recorded stenographically by me, and were thereafter  
 20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true  
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I further certify that I 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, nor am I financially interested in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
ELENA C. CHESTER, CSR No. 10274

# **EXHIBIT C**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

N.G. AND L.G., minors, by )  
and through their Guardian )  
ad Litem, Lilliana Magallon; )  
SARA PEREZ, )

Plaintiffs, )

vs. )

COUNTY OF LOS ANGELES; LEROY )  
BACA; DAVID CHEVEZ; LAURENCE )  
SWANSON,; and DOES 5-10, )

Defendants. )  
\_\_\_\_\_)

Case No.  
CV13-008312-SVW (FFMx)

Volume II

VIDEOTAPED DEPOSITION OF LAWRENCE E. SWANSON, JR.

Los Angeles, California

Friday, March 7, 2014

Reported by: Elena C. Chester  
CSR No. 10274  
NDS Job No.: 161088



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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

N.G. AND L.G., minors, by )  
and through their Guardian )  
ad Litem, Lilliana Magallon; )  
SARA PEREZ, )  
Plaintiffs, )

vs.

COUNTY OF LOS ANGELES; LEROY )  
BACA; DAVID CHEVEZ; LAURENCE )  
SWANSON,; and DOES 5-10, )  
Defendants. )

Case No.  
CV13-008312-SVW (FFMx)

Volume II

VIDEOTAPED DEPOSITION OF LAWRENCE E. SWANSON, JR.,  
taken on behalf of the Plaintiffs, at 4311 Wilshire  
Boulevard, Suite 308, Los Angeles, California, on  
Friday, March 7, 2014, beginning at 10:50 a.m. and  
ending at 4:20 p.m., before Elena C. Chester, CSR  
No. 10274.

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23 Also Present:

24 DEPUTY DAVID CHEVEZ

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## WITNESS

LAWRENCE E. SWANSON, JR.

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## EXHIBITS

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INSTRUCTED NOT TO ANSWER

(None)

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LOS ANGELES, CALIFORNIA;

FRIDAY, MARCH 7, 2014; 10:50 A.M.

MR. CASSELMAN: Okay. This is Volume II of the deposition of Deputy Lawrence Swanson. This is March 7, 2014. We are at 4311 Wilshire Boulevard, Suite 308, Law Offices of Samuel Ogbogu.

And my name is Gary Casselman. This is the continuing deposition in N.G. and L.G., et al., v. County of Los Angeles, et al.;

Case No. CV13-008312-SVW (FFMx).

We'll just have a quick audio (sic).

Ms. Reporter.

THE REPORTER: Elena Chester, for Network Deposition Services.

MR. CASSELMAN: Gary Casselman. I'm the videographer and co-counsel.

MR. OGBOGU: Samuel Ogbogu.

DEPUTY CHEVEZ: David Chevez.

MS. MATHERS: Catie Mathers, on behalf of the defendants.

THE DEPONENT: And Lawrence Swanson.

MR. CASSELMAN: Thank you.

///

///

1 A. Deputy Chevez.

2 Q. Now, when, in time, did you learn that  
3 the criminal investigation was concluded?

4 A. I -- I can't give you the exact date or  
5 month. I think it was at the end of the summer of  
6 2013 -- be my best estimate -- but I'm not certain.

7 Q. And -- so that would be like --

8 (Telephonic interruption.)

9 Q. BY MR. CASSELMAN: -- August, September  
10 something?

11 A. I believe so.

12 Q. And when in relation to the incident or  
13 the end of summer 2013 did you and Deputy Chevez  
14 and anyone else go to get a tattoo at that place  
15 where you all showed up?

16 A. Sometime around March or April.

17 Q. Of?

18 A. 2013.

19 Q. Why did you want to get a tattoo of --  
20 well, first of all, what is the tattoo that you  
21 got?

22 A. It's a tattoo of a reaper.

23 MS. MATHERS: Let me just, for this  
24 entire section, object on violation of privacy.  
25 But go ahead and answer your -- ask your

1 questions.

2 MR. CASSELMAN: So noted.

3 MS. MATHERS: And relevancy. Sorry.

4 Q. BY MR. CASSELMAN: And what does the  
5 tattoo look like?

6 A. Looks like a -- like a skeleton, with a  
7 robe, holding a -- I don't know what the tool's  
8 called.

9 Q. A scythe?

10 A. Scythe, yeah. That curved blade?

11 Q. Right. With a long handle or a short  
12 handle?

13 A. I guess, a long handle.

14 Q. And is this tattoo in color, or is it  
15 just all black and white or just one color?

16 A. Just all one color.

17 Q. That greenish color that tattoos have  
18 that aren't otherwise colored?

19 A. Correct.

20 Q. And does that show -- what was the reason  
21 you decided to get that tattoo?

22 A. I just -- I've always wanted a station  
23 tattoo. Station tattoos are pretty prominent on  
24 (sic) the Department. And just to show pride in  
25 where you work.

1           Q.    So you worked in the jail before you  
2           worked at the station; right?

3           A.    Correct.

4           Q.    Did you want to get a tattoo to show  
5           pride in your assignment at the jail?

6           A.    No, sir.  I wanted to show pride in being  
7           a law-enforcement officer in the field, so I didn't  
8           get one for the jails.

9           Q.    After you left the jail -- well, when you  
10          left the jail assignment, what year was it?

11          A.    2010.

12          Q.    What month?

13          A.    I think, March or April.

14          Q.    And what was your first assignment from  
15          (sic) leaving the jail?

16          A.    Patrol at Lenox Station.

17          Q.    And were you at Men's Central, North  
18          County, or somewhere else?

19          A.    Men's Central Jail.

20          Q.    And what's the mascot for Lenox?

21          A.    A reaper.

22          Q.    So is South Los Angeles and Lenox -- are  
23          those synonymous?

24          A.    Yes, sir.  We just changed names and  
25          changed buildings.



1           Q.    And are you saying that everybody at  
2           Lenox who is a deputy has a reaper tattoo, to your  
3           knowledge?

4           A.    No.

5           Q.    And when did you arrive at the Lenox, or  
6           South L.A., station?

7           A.    In March or April of 2010.

8           Q.    So upon leaving the jail, you were  
9           immediately assigned to Lenox?

10          A.    Correct.

11          Q.    So -- and -- so approximately  
12          three-years-plus later, you decided to get the  
13          reaper tattoo?

14          A.    Yes.

15          Q.    Why then?

16          A.    No specific reasoning.  We are -- been in  
17          the field for a few years and felt proud of being  
18          able to work there for as long as I have.  That's  
19          all.  Just station pride.

20          Q.    So how long after the incident was it  
21          that you decided to get the reaper tattoo?

22                    MS. MATHERS:  Objection.  Asked and  
23                    answered.

24          Q.    BY MR. CASSELMAN:  Well, the incident was  
25          in October; right?

1           A.    Correct.

2           Q.    And you got it in March or April, so

3 roughly six months later?

4           A.    Correct.

5           Q.    And how is it that you all went to the

6 same place, on the same date, at the same time, to

7 get tattoos? You and Chevez and the other two:

8 Munoz and whoever the fourth one was?

9           A.    I don't know. It's something we just  
10 decided to do.

11          Q.    So on a spur of the moment: "Hey, let's  
12 go get a reaper tattoo"?

13          A.    Yeah. Something that we talked -- they  
14 wanted a tattoo, and I like tattoos, so we decided  
15 to go get tattoos.

16          Q.    Do you have other tattoos?

17          A.    Yes, sir.

18          Q.    What other tattoos do you have?

19          A.    I have a Roman soldier. I have a Native  
20 American symbol. I have a couple -- or a few  
21 lizards, three lizards.

22          Q.    The Native American symbol -- is that the  
23 swastika?

24          A.    No, sir.

25          Q.    That was, originally, a Native American

1 symbol. And you have some lizards?

2 A. Yes, sir.

3 Q. And any particular reason you have  
4 lizards? Is that associated with showing pride at  
5 the Sheriff's Department?

6 A. It has to do with my family, sir.

7 Q. Okay. So the lizard is a family-type  
8 tattoo?

9 A. Yes.

10 Q. Explain that, please.

11 A. There is three lizards. And my father  
12 referred to me and my brother and him as  
13 "California Lizards" because we like to lay out in  
14 the sun and do things outdoors together, as a  
15 family. And so I got three lizard tattoos -- three  
16 lizards together -- to represent me and my dad and  
17 my brother.

18 Q. What is the Native American tattoo that  
19 you have?

20 A. It's a symbol called "A Man in a Maze."

21 Q. Where did you get your reaper tattoo? In  
22 other words, what part of your body?

23 A. On my left leg.

24 Q. On the inside --

25 A. Yes.

1           Q.    -- of your -- by your ankle?

2           A.    Yes.

3           Q.    Is it below the ankle bone or above?  You  
4           know the part that sticks out of your ankle bone?

5           Is it above that?

6           A.    I don't understand.

7           Q.    Well, you know, right above where your  
8           shoe ends, there is kind of a protruding bone for  
9           your ankle?

10          A.    The joint?

11          Q.    Yes.

12          A.    Yes, sir.

13          Q.    Is it above that?

14          A.    Yes.

15          Q.    And you are proud of that -- to show  
16          solidarity with your fellow Lenox or South  
17          Los Angeles deputy sheriffs?

18          A.    It's not to show solidarity with them.  
19          It's more just a pride thing with me.

20          Q.    All right.  Does it have a number on  
21          it?

22          A.    Yes.

23          Q.    And what's your number?

24          A.    97.

25          Q.    And what does that signify:  the number

1 "97"?

2 A. I think that means I'm the 97th person to  
3 get the tattoo.

4 Q. So I think we heard that Deputy Chevez  
5 was 96. So you got your tattoo after he got his?

6 A. Yes.

7 Q. And the two others -- were they before  
8 you two or after you two?

9 A. Before.

10 Q. So they are probably 95 and 94?

11 A. I'm actually not certain.

12 Q. And they all got their tattoos on the  
13 same location and of the same reaper?

14 A. On the same location of their body?

15 Q. Yes.

16 A. Yes.

17 Q. And it was the same design?

18 A. Same basic design, yes.

19 Q. How much did it cost for this reaper  
20 tattoo?

21 MS. MATHERS: Objection. Relevance.

22 Q. BY MR. CASSELMAN: You can answer.

23 A. \$200.

24 Q. And what time of the day was it that you  
25 went down there?

1           A. I don't -- I don't remember. I don't  
2           recall.

3           Q. Well, was it daytime or nighttime?

4           A. I honestly don't recall, sir.

5           Q. Did you go before or after or during your  
6           shift?

7           A. I was not on duty.

8           Q. Were the others?

9           A. No.

10          Q. Were you in a County vehicle?

11          A. No.

12          Q. And was the person who owns the shop a  
13          current or former member of the Sheriff's  
14          Department or any other police agency?

15          A. I don't know who owns the shop.

16          Q. How long after the shooting of  
17 Mr. Gutierrez were you interviewed?

18                   MS. MATHERS: You are asking about  
19 Homicide investigators?

20                   MR. CASSELMAN: Right. The Sheriff's  
21 people.

22                   THE DEPONENT: Several hours. Five or  
23 six hours. I'm not exactly certain.

24          Q. BY MR. CASSELMAN: Where were you from  
25 the time of the shooting until the time of your

1           A.    I heard a loud noise when Mr. Gutierrez  
2           leaped off the bed and yanked his arm on the bed  
3           rail of the bed, causing the bed to move.

4           Q.    So you saw the bed move?

5           A.    Yes.

6           Q.    How did the bed move?

7           A.    It kind of moved up. Like -- like, the  
8           wheels came off the ground, shortly (sic); and then  
9           it moved closer in my direction.

10          Q.    How much did it move?

11          A.    I'm not certain.

12          Q.    Did you have any discussion, while you  
13          were at the tattoo parlor, about the incident?

14          A.    No.

15          Q.    Did you -- were you ever on the -- apart  
16          from your feet, was any part of your body on the  
17          floor of the -- Room 12, that you and Mr. Gutierrez  
18          occupied that evening?

19          A.    No.

20          Q.    And were you ever on the ground,  
21          struggling with Mr. Gutierrez on the floor?

22          A.    No.

23          Q.    And was Deputy Chevez ever on the ground,  
24          struggling with Mr. Gutierrez?

25          A.    No.

1 stipulated.

2 THE REPORTER: Counsel, for the record,  
3 would you like a copy of this one?

4 MS. MATHERS: I would, please.

5 THE REPORTER: The deposition is  
6 completed.

7 (Deposition concluded at 4:20 P.M.)

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PENALTY OF PERJURY CERTIFICATE

I hereby declare I am the witness in the within matter, that I have read the foregoing transcript and know the contents thereof; that I declare that the same is true to my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe them to be true.

I declare being aware of the penalties of perjury, that the foregoing answers are true and correct.

Executed on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
at \_\_\_\_\_, \_\_\_\_\_.  
(CITY) (STATE)

\_\_\_\_\_  
LAWRENCE E. SWANSON, JR.

1 STATE OF CALIFORNIA )  
 ) ss:  
 2 COUNTY OF LOS ANGELES )

3

4 I, ELENA C. CHESTER, do hereby certify:

5 That I am a duly qualified Certified Shorthand  
 6 Reporter, in and for the State of California, holder of  
 7 certificate number 10274, which is in full force and  
 8 effect and that I am authorized to administer oaths and  
 9 affirmations;

10 That the foregoing deposition testimony of the  
 11 herein named witness was taken before me at the time and  
 12 place herein set forth;

13 That prior to being examined, the witness named  
 14 in the foregoing deposition, was duly sworn or affirmed  
 15 by me, to testify the truth, the whole truth, and  
 16 nothing but the truth;

17 That the testimony of the witness and all  
 18 objections made at the time of the examination were  
 19 recorded stenographically by me, and were thereafter  
 20 transcribed under my direction and supervision;

21 That the foregoing pages contain a full, true  
 22 and accurate record of the proceedings and testimony to  
 23 the best of my skill and ability;

24 That prior to the completion of the foregoing  
 25 deposition, review of the transcript was requested.

1 I further certify that I am not a relative or  
2 employee or attorney or counsel of any of the parties,  
3 nor am I a relative or employee of such attorney or  
4 counsel, nor am I financially interested in the outcome  
5 of this action.

6

7 IN WITNESS WHEREOF, I have subscribed my name  
8 this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

9

10

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\_\_\_\_\_

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ELENA C. CHESTER, CSR No. 10274

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