

1 COUNSEL FOR THE PEOPLE: Mr. Brooks

2 THE WITNESS: Richard Acosta

3 COUNSEL FOR THE DEFENSE: Ms. Jones

4 THE COURT (female)

5

6 WARMUP

7

EXAMINATION

8 Q BY MR. BROOKS: What is your profession, sir?

9 A I am a police officer with the City of Los Angeles.

10 Q How long have you been a police officer?

11 A About / 20 years.

12 THE COURT: Excuse me. Officer Acosta, will you  
13 please spell your last name for us. We did not get the  
14 spelling of your name.

15 THE WITNESS: Certainly, / Your Honor. A-c-o-s-t-a.

16 Q BY MR. BROOKS: And back on January 11th of this  
17 year about 9:30 at night, were you on duty? /

18 A Yes.

19 Q What was your assignment?

20 A I was assigned to patrol. I believe I was working  
21 swing shift.

22 Q And on that assignment, how were you dressed? //

23 A I was wearing a full police uniform and driving a  
24 marked black-and-white car.

25 Q Full police uniform, including shoulder patches,

1 badge, name plate?

2 A Yes. /

3 Q Was it a typical black-and-white police car with  
4 letters and stickers labeling it as a Los Angeles police  
5 car?

6 A Yes.

7 Q Did it have /// the standard police lights and  
8 sirens?

9 A Yes. It had the overhead light bar and siren.

10 Q Does that include a forward-facing, solid-red lamp?

11 A Yes. /

12 Q Does it include flashing or rotating blue-and-red  
13 lights as well?

14 A Yes.

15 Q And was it equipped with an audible siren?

16 A Yes.

17 Q On that date, /\*(1) did a certain car catch your  
18 attention?

19 MS. JONES: Objection. Leading.

20 THE COURT: Overruled.

21 You may answer.

22 THE WITNESS: Yes.

23 Q BY MR. BROOKS: What type of car was it?

24 A It was a green Toyota. /

25 Q Lighter or darker color?

1 A It was a darker color.

2 Q Okay. How many doors?

3 A Four doors.

4 Q And where did you observe it, and what was it / that  
5 caught your attention?

6 MS. JONES: Objection. That question is compound.  
7 Which question does he want answered?

8 THE COURT: That will be sustained, but please just  
9 state the basis / for the objection.

10 MS. JONES: Yes, Your Honor.

11 MR. BROOKS: I will break it down.

12 Q Where did you first observe the car?

13 A I was traveling eastbound on Hill toward // Main,  
14 and it was directly in front of me.

15 Q And what drew your attention to this particular car?

16 A It suddenly made a right turn into / the Number 1  
17 lane, traveled up across the Number 2 lane, and into the  
18 driveway of Taco Bell.

19 Q All right. And did you start to /// follow it in  
20 response to that?

21 A Yes.

22 Q Did you attempt to perform a traffic stop at that  
23 moment?

24 A I was unable to at that point / because it was  
25 driving fast through the parking lot.

1 Q Okay. And did you continue to follow in the same  
2 direction that it traveled?

3 A Yes.

4 Q And /\*(2) at some point did you activate your  
5 flashers and siren?

6 A Correct.

7 Q What was it that caused you to do that?

8 A The unsafe turning movement that / I witnessed and  
9 the speed he was driving through the parking lot back to  
10 Hill Boulevard

11 Q Okay. And was he driving at an unsafe speed /  
12 through the parking lot?

13 A Yes.

14 Q And can you give just a rough estimate?

15 A It was about 25 miles an hour, causing his tires to  
16 / skid and make noises as he was turning throughout the  
17 parking lot.

18 Q Understood.

19 Would it be correct to say that you engaged in a  
20 relatively // lengthy pursuit of this car?

21 MS. JONES: Objection. Vague as to "relatively  
22 lengthy."

23 THE COURT: Please rephrase for us, Mr. Brooks.

24 MR. BROOKS: Yes, Your Honor.

25 MS. JONES: Thank you.

1 Q BY MR. BROOKS: As to other / pursuits you have done  
2 in your career, would you consider this a long pursuit?

3 A Yes.

4 Q And during the entire pursuit, were you the lead  
5 vehicle /// behind the suspect vehicle?

6 A Yes.

7 Q And did this include a pursuit on the streets as  
8 well as on freeways?

9 A Yes.

10 Q And just roughly, about how / long in terms of miles  
11 did this pursuit occur?

12 A Well, we went straight into Hollywood and then back,  
13 about maybe around 30 miles going altogether. / (\*3)

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15 **END OF WARMUP**

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**EXAM**

MS. JONES: Hold on. May I clarify that?

THE COURT: What is your question?

MS. JONES: Are you testifying you went from the city of Los Angeles to Hollywood and back? /

THE WITNESS: Yes.

MS. JONES: And then you passed him and went into Beverly Hills?

THE WITNESS: Yes.

MS. JONES: Thank you. Sorry for the interruption.

Q BY MR. BROOKS: And so I take it this took / a number of minutes as well?

A Yes.

Q And this entire period, you were pursuing him with lights and sirens?

A That is correct.

Q And were there / any other police vehicles behind you with the lights and sirens as well?

A Yes.

Q And how many?

A As far as I know at that time, // just one.

Q Who was that officer?

A Officer Martin.

Q M-a-r-t-i-n?

A Yes.

1 Q All right. And eventually when the pursuit came to  
2 an / end, were there additional units that you noticed  
3 from different agencies?

4 A Yes.

5 Q All right. Let me go back to just describe his  
6 driving on the /// streets through the city of Los  
7 Angeles.

8 A Okay.

9 Q What was the fastest that he ended up driving that  
10 you witnessed?

11 A The fastest was about 60 / to 70 on Hill. Prior to  
12 that, about 40, 45 through the residential streets.

13 Q Okay. And on Hill, do you know the speed  
14 limit /\*(1) on that street?

15 THE COURT: Excuse me, Mr. Brooks. What street did  
16 you ask about?

17 MR. BROOKS: Hill Boulevard, Your Honor.

18 THE COURT: Thank you. Please continue.

19 MR. BROOKS: Let me just rephrase. /

20 Q Do you know the speed limit on Hill Boulevard?

21 A I believe it is 35.

22 Q So he was going roughly double?

23 A Correct.

24 Q Now, about how / many different red traffic signals  
25 or stop signs did he run through?

1 A Stop signs was about, maybe, seven. Seven or eight  
2 posted stop signs.

3 Q About / what speed was he going through these?

4 A He was slowing down a little bit to about 35, 30.

5 Q Okay. And how many stoplights, red // stoplights?

6 A Okay. Solid red lights, around five. Four or five.

7 Q And what speeds?

8 A Through those, he was probably going about 40.

9 Q Okay. Did you witness / any traffic collisions that  
10 this vehicle was involved in?

11 A Yes.

12 Q How many?

13 A One.

14 Q Where was that, and describe what happened.

15 MS. JONES: That is compound, Your Honor, /// and  
16 also calls for a narrative.

17 THE COURT: Sustained.

18 MS. JONES: Thank you.

19 THE COURT: Would you rephrase the question, please.

20 Q BY MR. BROOKS: Where did you see the accident?

21 A Westbound Hill towards Wilshire. /

22 Q And please describe what you observed, Officer.

23 A Well, I would say we were going about 60 to 70 miles  
24 per hour, and he slowed down. /\*(2)

25 **(END OF WARMUP -- CONTINUE READING WITH NO PAUSE)**



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**START TYPING**

Q BY MR. BROOKS: Was that because there was a solid red for your direction?

A He slowed because he was going to, I figure, make a turn, and he / collided with a car that was driving north.

Q All right. Was it a small crash?

MS. JONES: Objection. Vague.

THE COURT: Overruled.

Go ahead and answer, if you understand / the question.

THE WITNESS: Yes. I believe he caught the right rear portion of that vehicle.

Q BY MR. BROOKS: Okay. Was he able to continue on?

A Yes.

Q And then he / entered the 10 freeway?

A Yes.

Q Was he going westbound towards Hollywood?

A Yes.

Q Describe what happened on the 10 freeway.

A We were driving westbound on the // 10 freeway. He was in the Number 2 lane westbound, speed probably, you know, 60 to 70 miles per hour.

Q Okay. Tell us what happened / next.

A Then we were driving towards Vermont.

1 Q At that point are you kind of straddling the right  
2 portion of his vehicle?

3 A Which I think maybe /// saved my life.

4 THE COURT: Just answer the question. There is no  
5 need to explain how you felt at that particular moment.  
6 Right now, simply answer the / question.

7 THE WITNESS: I am sorry, Judge.

8 Q BY MR. BROOKS: What happened later as you were  
9 driving towards Vermont?

10 A At that time, I see him doing some movement in  
11 the /\*(1) driver's seat. I am observing him, and  
12 suddenly I could see him turning.

13 Q What did you observe happen as he turned?

14 A It appeared that he / pointed his right hand outside  
15 the driver's window. He shot five to six rapid gunshots  
16 towards my vehicle.

17 Q Could you hear those gunshots?

18 A I could / hear them, and I could see the muzzle  
19 flashes.

20 Q Okay. So you indicated with your hands you were  
21 slightly offset to his right.

22 A Correct. He / was kind of towards the passenger  
23 side of his car. I was anticipating him possibly getting  
24 off the next off-ramp. I was just towards // that side.

25 Q Okay. So you are about how far a distance behind

1 him?

2 A Probably about, maybe, two or three car lengths  
3 behind him.

4 Q Okay. From / where it was, you were still  
5 able to see those muzzle flashes?

6 A Yes. Correct.

7 Q And hear the gunshots?

8 A Correct.

9 Q Did you put that out over /// the radio?

10 A Yes.

11 Q Were you or your vehicle struck by those gunshots?

12 A I believe I heard one hit my vehicle, but I could  
13 not, later / on, determine if it was impacted or not.

14 Q Okay. You yourself were not struck by gunfire;  
15 correct?

16 A No.

17 MS. JONES: That answer is vague. I am  
18 confused. /\* (2)

19 THE COURT: Officer, is it correct that you were not  
20 struck by gunfire?

21 THE WITNESS: Sorry, Your Honor. That is correct.  
22 I was not.

23 MS. JONES: Thank you.

24 Q BY MR. BROOKS: All right. And / at that time when  
25 the shooting occurred, was Officer Martin also behind

1 you?

2 A Yes.

3 Q I am sorry. How many gunshots did you say were  
4 fired / out the window?

5 A At minimum, five or six.

6 Q Did you see or witness any other gunshots after  
7 that?

8 A No, I did not.

9 Q All right. Do / you recall seeing any flashes  
10 coming from the inside of the car?

11 A I mean, at that moment, it happened very fast. The  
12 rear window of // his vehicle blew out.

13 Q Okay. When you say "the rear window," are you  
14 talking about the rear windshield?

15 A Yes.

16 Q Okay. When was that in relation / to the gunshot  
17 that you saw coming out of the side?

18 A Just instantly. All at the same moment.

19 Q Did you ever discharge your weapon at /// all?

20 A No, I did not.

21 Q About how fast were you going when these gunshots  
22 were occurring?

23 A About 60 to 70.

24 THE COURT: Excuse me. Was that 60 / to 70 this  
25 entire time?

1 THE WITNESS: Maybe less, Your Honor. He might have  
2 slowed down a little bit.

3 Q BY MR. BROOKS: Was there other traffic on the  
4 freeway?

5 A There /\* (3) were other cars; however, it was not  
6 heavy traffic. It was kind of light traffic then.

7 Q Okay. Perfect.

8 And do you recall at any time / seeing any kind of  
9 flashes from inside of the vehicle, not outside?

10 A No.

11 Q All right. Did you ever get to see the face of  
12 the / person whom you were pursuing?

13 A No, I did not.

14 Q All right. From the first time that you initiated  
15 the pursuit, did you go westbound on / the freeway, get  
16 off onto the streets, get back on the eastbound freeway?

17 MS. JONES: Objection. Vague and compound.

18 MR. BROOKS: I can rephrase.

19 THE COURT: Well, hold on.

20 Officer, do // you understand the question?

21 THE WITNESS: Yes.

22 THE COURT: Please answer.

23 THE WITNESS: Yes. We started off westbound and  
24 looped back to the east.

25 Q BY MR. BROOKS: That entire time were you pursuing

1 as / the first unit?

2 A Correct.

3 Q Did you ever lose sight of him during that portion  
4 of the pursuit?

5 A No.

6 Q All right. Looking at People's 6, is /// this the  
7 general area where the pursuit came to an end?

8 A Yes.

9 Q There is a slight hook on Wilshire just prior to  
10 reaching that intersection; / is that correct?

11 MS. JONES: Objection. Vague as to "slight hook."

12 THE COURT: Please clarify that. It is vague.

13 Q BY MR. BROOKS: Wilshire curves just a little bit;  
14 is that correct?

15 A Yes. /\* (4)

16 Q Now, when you actually made it to Vermont, did you  
17 see the vehicle, the darker vehicle?

18 A Yes. Yes, I did.

19 Q And where was it?

20 A It / had collided with a parked car.

21 Q Were you there in time to actually see the person  
22 exit from the vehicle?

23 A No, I was not.

24 Q All / right. About how far would you estimate that  
25 you had missed witnessing that?

1 A Just seconds. When we exited off the  
2 freeway is when the airplane / first verified his  
3 location.

4 Q Okay. Looking at the top of People's 6, we have  
5 Wilshire and Vermont. How close is the freeway off the  
6 top // photo?

7 A I am a little turned around here, but the freeway  
8 has got to be outside of this picture, almost like,  
9 maybe, that next couple / of streets right there.

10 THE COURT: Is that pretty close by?

11 THE WITNESS: Yes, it is really close. We were  
12 located off the freeway.

13 Q BY MR. BROOKS: Officer, let me show you /// a  
14 couple of photographs. First, I am going to show you  
15 what has been marked as People's 5. Do you recognize  
16 that?

17 A Yes.

18 Q What is / that?

19 A That is the vehicle I was in pursuit of.

20 Q And depicted in this photograph, is it colliding  
21 with the rear wheel of what looks /\* (5) like a truck, a  
22 pickup?

23 A Yes. It was located there.

24 Q Showing you People's 9, do you recognize what that  
25 depicts?

1 A That looks like the bullet / marks, impact from a  
2 bullet, gunshots.

3 Q Okay. And which area on / the photograph are we  
4 looking at that we are seeing that on?

5 A That is / behind the left-rear driver's door.

6 Q The door behind the driver?

7 A Correct.

8 Q You can see what looks like at least several  
9 markings. Two appear to / be scratches, and one appears  
10 to be, perhaps, a hole there. Is that accurate?

11 A Yes.

12 Q Looking at People's 10, do you recognize what this  
13 is? //

14 A That is the rear windshield of the vehicle.

15 Q Okay. These photographs that you are seeing, is  
16 that the condition that you saw it on that / date of  
17 January 11 at the end of the pursuit?

18 A Yes.

19 MR. BROOKS: I have no further questions.

20 THE COURT: Cross?

21 MS. JONES: Thank you.

22 CROSS-EXAMINATION

23 Q BY MS. JONES: Officer Acosta, did you write a ///  
24 police report after this incident?

25 A Yes, I did.



1 Q All right. And can you tell us how long after the  
2 incident that you wrote the report? /

3 A Maybe within the next two hours after.

4 Q All right. When you prepared the report, this  
5 incident was really fresh in your mind; right?

6 A Yes, correct. /\* (6)

7 Q You learned how to write police reports in the  
8 police academy; right?

9 A Yes.

10 Q I see. And you write reports because you know you  
11 might need / to refresh your recollection with your  
12 report at some point in the future in court; correct?

13 A Yes.

14 Q Have you had a chance to review your / report?

15 A I reviewed it prior to coming here today; correct.

16 Q Did it look accurate to you?

17 A Yes.

18 MR. BROOKS: I am sorry, Your Honor, but I did / not  
19 hear the witness's answer.

20 THE COURT: He confirmed the report looked to be  
21 accurate.

22 Please keep your voice up, Officer.

23 THE WITNESS: Yes, Judge.

24 THE COURT: Please proceed.

25 Q BY MS. JONES: Was there // anything in the report

1 that you noticed was incorrect?

2 A Well, not that I immediately noticed, no. It seems  
3 like it was all there from my / memory that night.

4 Q Okay. Did you see anything that you may have  
5 forgotten to write in the report that you recall now that  
6 is important? ///

7 A No.

8 Q So when you write your reports, you write down  
9 everything that is important; correct?

10 A That I could recall, yes.

11 Q Okay. And you testified today / that as far as you  
12 recall, the shooting was coming from the driver's side of  
13 the vehicle that you were chasing; correct?

14 A Yes.

15 Q Is it /\*(7) your testimony that the person that was  
16 driving the vehicle you were chasing, I believe you said,  
17 pointed his right hand out the driver's side / window and  
18 shot five or six times?

19 MR. BROOKS: Objection. Asked and answered.

20 MS. JONES: It is foundational, Judge.

21 THE COURT: That is overruled.

22 Please answer the question.

23 THE WITNESS: Well, it seemed / that way.

24 Q BY MS. JONES: So did you actually see the driver  
25 take his right hand and cross it over his body and begin

1 shooting out the driver's / side window?

2 A No. I am assuming he did that based on his  
3 movements.

4 Q Okay. You saw some gestures inside the vehicle,  
5 just the gestures in // general; is that correct?

6 A The way he positioned his shoulders and his body, he  
7 kind of moved his shoulders and body and looked quickly  
8 over / his left shoulder.

9 Q And when the shooting first started, where were you?  
10 Were you on a freeway?

11 A Yes.

12 Q And is it your testimony that he /// turned back to  
13 look behind to shoot while he was driving straight on the  
14 10?

15 MR. BROOKS: Objection. Argumentative.

16 THE COURT: Overruled.

17 Please answer.

18 THE WITNESS: Yes.

19 Q BY MS. JONES: And did you get / any indication that  
20 he was shooting from the inside of the car through that  
21 back windshield at you?

22 A I assumed so when the back windshield /\* (8)  
23 shattered completely. I mean, I assume. I am not  
24 certain.

25 Q Understood. I do not want you to speculate.

1 A No, sir.

2 Q Tell us what you observed. /

3 A He was firing five, six gunshots at me. I am trying  
4 to, you know, do the best I can to avoid getting injured.

5 Q You are / trying to prevent getting shot; right?

6 A Correct.

7 Q Understood.

8 You are trying to not crash the car; correct?

9 A Right.

10 Q When the shooting started, did you have / a reaction  
11 to slam on your brakes initially, though?

12 A I did not. The honest truth is it happened very  
13 quickly.

14 Q Understood.

15 A I ducked down just // a little bit, scooted over  
16 quickly to my right, but I could still observe the  
17 vehicle.

18 Q What did you do next?

19 A I started putting out / that we were getting shot  
20 at.

21 Q Were you yelling on the radio?

22 A I was not yelling. I took several breaths, and I  
23 put it out /// and just continued the pursuit.

24 THE COURT: Excuse me. I have a question. At that  
25 time was Officer Martin behind you already?

1 THE WITNESS: Yes, he was.

2 THE COURT: Thank you. /

3 Please continue your cross.

4 Q BY MS. JONES: So based on the movements you saw  
5 within the vehicle, you were assuming that the driver was  
6 shooting with his right /\* (9) arm crossed over his body  
7 and back in your direction; right?

8 A Yes.

9 Q You stated you saw muzzle flashes. Could you tell  
10 exactly the direction that / the bullets were flying?

11 A No, I could not.

12 Q Is it accurate to say that they could have been just  
13 random gunshots out the window?

14 A I / guess, but it felt like the muzzle flashes were  
15 toward my direction because I could see them.

16 Q I see. I understand that.

17 A Having used firearms / for the last 20 years, you  
18 know, it is a scary feeling when you see muzzle flashes  
19 in general.

20 Q Okay. I am sure it was // very scary. And you  
21 wrote down in the police report that you were very  
22 scared; correct?

23 MR. BROOKS: Objection. Relevance.

24 THE COURT: Do you have an offer of proof, / please,  
25 Counselor?

1 MS. JONES: I will simply move on, Your Honor.

2 THE COURT: That is fine.

3 Q BY MS. JONES: But you had no damage to your  
4 vehicle; correct?

5 A Correct. We did not. ///

6 Q Initially did you think that something hit up  
7 against your car?

8 A Right.

9 Q But your testimony earlier was that you do not know  
10 what it was / that hit the car; right?

11 A There was a mark on the left front fender; however,  
12 we were unable to determine that was from the  
13 gunshots. /\* (10)

14

15 **END OF EXAM**

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18 **\*\*\*EACH EXAM VARIES. THE ACTUAL TEST GIVEN 10 MAY BE SLIGHTLY**

19 **DIFFERENT\*\*\***