

1 Q. And can you tell us what side of the duty belt you
2 carried your Taser on?

3 A. On my weapon side with the cross-draw fashion for the
4 weak hand.

5 Q. Are you right-handed or left-handed?

6 A. Right-handed, sir.

7 Q. So your firearm would have been on the right side of
8 your equipment belt?

9 A. That's correct.

10 Q. Are you telling us that your Taser was also on the
11 right side of your equipment belt?

12 A. Yes, I am, sir.

13 Q. And I don't know if you can demonstrate it as you sit
14 there. But if you need to draw your Taser, as apparently you
15 did, how would you grab the Taser then?

16 A. With my left hand, sir.

17 Q. So you would take your left hand and you said
18 cross-draw?

19 A. Correct.

20 Q. I'm reaching across the front of my belt here with my
21 left hand. Is that how you would do it?

22 A. Yes, sir.

23 Q. And you would take the Taser out of the holster?

24 A. Yes, sir.

25 Q. And you did that?

26 A. Yes, sir.

27 Q. When in relation to January 1st, 2009, had you
28 attended Taser training?

1 A. I don't remember exactly what date I attended, sir.
2 I would guesstimate the second week in December.

3 Q. That would put it about two weeks or so before this
4 event?

5 A. Yes, sir.

6 Q. Was this system-wide training given to other BART
7 police officers?

8 A. Yes, it was.

9 Q. You carried your Taser so that you had a weak hand
10 draw?

11 A. Yes, I did.

12 Q. To your knowledge did all BART police officers do the
13 same thing?

14 A. No, they did not.

15 Q. Did BART require officers to carry them in any
16 certain fashion?

17 A. There were various options that you could carry your
18 Taser. It was up to the individual officer in which manner they
19 wanted to carry it.

20 Q. Some officers carried a Taser so they would draw it
21 with their strong hand, correct?

22 A. Yes, sir.

23 Q. And some officers like you had it so that you would
24 draw it with your weak hand, right?

25 A. Yes, sir.

26 Q. Is there any particular reason why you carried it so
27 you draw it with your weak hand?

28 A. Officer safety.

1 Q. What do you mean officer safety?

2 A. Well, for a number of reasons. One, it's just a rule
3 of thumb for me. Maybe from the military. I'm not sure exactly
4 where it was instilled in me that your gun hand should always be
5 available for your gun.

6 Q. So you want to make sure if you're going to draw your
7 Taser, you're doing it with your weak hand?

8 A. Yes, sir. In the same fashion as perhaps OC, you're
9 instructed in the academy if you're going to ploy a less than
10 lethal force, that you do it with your non-firing hand.

11 Q. Were you at all concerned about the possibility of
12 confusion of motor skills if you're drawing both your gun and
13 your Taser with your right hand?

14 A. Absolutely, sir.

15 MR. STEIN: Objection.

16 THE COURT: Sustained. It's stricken.

17 BY MR. RAINS:

18 Q. So you draw your Taser with your left hand cross-draw
19 and you say you deployed it. Does that mean displayed it?

20 A. Yes, and also turned it on.

21 Q. Okay. So you have to have -- there's like an on and
22 off button on these things?

23 A. Yes, sir.

24 Q. And when you turn it on, does that then make some
25 sort of a laser button?

26 A. If you set the options for that, yes.

27 Q. Did you have the option set for that?

28 A. Yes, sir.

1 Q. All right. So when you did that, what's the next
2 thing -- well, strike that.

3 Where in relation to this group of six were you when you
4 decided to draw the Taser and turn it on?

5 A. Approximately 60 to 70 feet.

6 Q. 60 to 70?

7 A. Yes, sir.

8 Q. All right. And what happened then after you drew it
9 and turned it on?

10 A. I continued to walk.

11 Q. You didn't run?

12 A. No, sir.

13 Q. And what did the group do?

14 A. They continued to walk towards me.

15 Q. All right. And did you meet at some point in time?

16 A. Yes, sir.

17 Q. All right. And what happened when you met?

18 A. I gave them all instructions to get against the wall
19 and I pointed to the wall that I wanted them to go to.

20 Q. You know, do you remember, Officer Pirone, thinking
21 about that BART train, do you remember how many cars that BART
22 train was that day?

23 A. I believe any Dublin train is around 8- to 10-car
24 train, sir.

25 Q. Do you know where in relation to the front of the
26 train you met this group of six and told them to get against the
27 wall?

28 A. The second or third car.

1 Q. Second or third car from the front?

2 A. Correct.

3 Q. All right. And so did the group of six then comply
4 and get against the wall?

5 A. No, they did not.

6 Q. What happened?

7 A. Two of them ran back onto the train.

8 Q. All right. And then if two ran on the train it
9 strikes me, if my math is correct, there's about four left?

10 A. Yes, sir.

11 Q. And what did the four do?

12 A. Well, the three males walked to the right of the
13 platform.

14 Q. All right. What about that female in the plaid
15 skirt?

16 A. I don't remember what happened to her.

17 Q. She disappeared somewhere?

18 A. Yes.

19 Q. Did you ever see her later that morning?

20 A. No, sir.

21 Q. So three males walked to the right of the platform in
22 the direction where you told them to go?

23 A. Yes.

24 Q. And two ducked on the train?

25 A. Yes.

26 Q. What's the next thing that happens?

27 A. I contacted the other three that continued to walk
28 because they pretended like I was not even there. They didn't

1 acknowledge my presence or command, and I told them two more
2 times to get against the wall.

3 Q. And then what happened?

4 A. They did not.

5 Q. They didn't get against the wall?

6 A. No, they did not, sir.

7 Q. So when they didn't get against the wall after you
8 commanded them to get against the wall, what did you do then?

9 A. By then, the first person -- they were walking in
10 line in tandem, if you will, one in front of the other -- I
11 actually put my hand on the very first subject.

12 Q. All right. And what did you do when you put your
13 hand on 'em?

14 A. I told 'em again, "I'm speaking to you, all three of
15 you, sit down. Sit down now at the wall."

16 Q. Officer Pirone, thinking back about that night and
17 that morning, you didn't know the names of any of these
18 individuals you were dealing with that morning, correct?

19 A. That's correct, sir.

20 Q. Do you know the names of any individuals you're
21 dealing with now?

22 A. I know of Mr. Grant, Mr. Greer, Reyes, Junior, and I
23 forgot the other two subjects's name.

24 Q. This individual who you put your hand on that you
25 just -- well, strike that.

26 Tell us exactly where you put your hand on this
27 individual.

28 A. Right in the middle of his chest.

1 Q. One hand?

2 A. Yes, sir. My right hand.

3 Q. Did you continue to have your Taser in your left?

4 A. Yes, I did.

5 Q. And so do you know, as you sit here today, who that

6 individual was whose chest you put your right hand on?

7 A. No, I do not.

8 Q. What happened then after you put your hand on his

9 chest and told him what you said?

10 A. We made eye contact.

11 Q. And you said what?

12 A. "Sit down or I'm going to tase you."

13 Q. All right. And what happened then?

14 A. He responded with, "Why? What the fuck did I do?"

15 Q. And in response you said what?

16 A. I said, "I need you to sit down. I need all of you

17 to sit down now."

18 Q. All right. Then what happened?

19 A. They complied.

20 Q. All three of them complied?

21 A. Yes, sir.

22 Q. At that point in time, were you using profanity?

23 A. Not yet, sir.

24 Q. All right. I take it that means you did at some

25 point in time?

26 A. Yes, I did.

27 Q. All right. So these three guys sit down. Did they

28 actually sit down on their rear ends against the wall?

1 A. Yes, they did.

2 Q. All right. Then what happened after they sat on
3 their rears ends?

4 A. There were two of them that put their hands in their
5 pockets and I instructed them to take their hands out of their
6 pockets.

7 Q. Did they do that?

8 A. Yes. One of them put them up in the air. And I
9 instructed him, "You don't have to keep them up in the air, just
10 keep them out of your pockets so I can see them."

11 Q. Now, at that point in time, did you attempt to pat
12 search any of those individuals?

13 A. No, sir.

14 Q. Why not?

15 A. Safety reason, sir.

16 Q. And that would be?

17 A. I'm not going to occupy my hands when I have multiple
18 suspects.

19 Q. All right. Did you still have your Taser in your
20 hand?

21 A. Yes, I did.

22 Q. Did you feel that gave you a level of safety that you
23 may not have if you put it away?

24 A. Yes, I did.

25 Q. As you were there, Officer Pirone, did you have any
26 sense as to whether there were possibly weapons on the train
27 that had arrived at Fruitvale?

28 A. Well, there were two prior calls to this one that

1 involved guns.

2 Q. All right. What did you know about those calls?

3 A. That they actually took guns off of people on the
4 train or platform.

5 Q. So you knew guns had been taken off train or the
6 platforms, right?

7 A. Correct.

8 Q. Did you operate then under the assumption that the
9 guns that may have been on the train were now off the train?

10 A. Well, I remember specifically the call at
11 Embarcadero. That was a fight. They found one of the suspects
12 and he, in fact, had a pistol on him. There was another suspect
13 that was still outstanding who had reportedly also had a pistol
14 on him as well.

15 Q. Had that suspect been located to your knowledge?

16 A. No, he did not.

17 Q. That suspect was a white guy?

18 A. I don't remember.

19 Q. You remember anything about a male, white, stalky?

20 A. I don't remember. I know one of them had a New York
21 Yankee's hat on.

22 Q. All right. So, these guys are now sitting down and
23 what's the next thing that happens?

24 A. Well, I informed them the reason for the detainment.
25 I told them that I had a report of a fight on the train. And
26 before I could finish, the one that I put my chest on says, "We
27 didn't do shit."

28 Excuse me, your Honor.

1 THE COURT: That's okay.

2 BY MR. RAINS:

3 Q. That was his words?

4 A. Those were his words in quote.

5 Q. All right. As you sit here today, do you know who
6 that individual was?

7 A. No. I can only relate him to towards the end of the
8 night after everything had happened that I had to assist him
9 with reading the medical release form because he didn't know how
10 to read.

11 Q. So this individual says we didn't do shit?

12 A. Yes. And then they all chimed up and I just stopped
13 talking. They started yelling and cursing and I didn't pay any
14 much attention. Now I'm looking back at the train because I
15 still have two suspects still outstanding.

16 Q. These two guys that jumped on the train?

17 A. Yes.

18 Q. And these guys are yelling and cursing at you now?

19 A. Yes, sir.

20 Q. What are they saying?

21 A. "We didn't shit. You're not even a real cop. Why
22 the -- excuse me, your Honor -- why the fuck you messing with
23 us."

24 Q. Look, Officer Pirone, we've all probably heard words
25 like that in this courtroom. So if that's what they're saying,
26 you need to say it, okay?

27 A. Yes, sir.

28 Q. So how long does this go on before something else

1 happens that they're cursing at you this way?

2 A. Well, again, as I stopped explaining myself because
3 they were no longer listening to the reason for the detainment,
4 and I'm looking back at the train and I called for my partner to
5 come up to the platform.

6 Q. You say you look back at the train, did you see your
7 partner anywhere on the platform?

8 A. No, I did not.

9 Q. So how did you call her?

10 A. I grabbed the radio and called her badge number and
11 asked her to 98 with me on the platform.

12 Q. 98 is police code for meet me?

13 A. Correct.

14 Q. Did she then meet you sometime after that?

15 A. Yes, she did.

16 Q. About how long after you called for this 98 did she
17 meet you?

18 A. Roughly 2 minutes.

19 Q. Okay. And when she got to your location, these three
20 guys were still seated, I take it?

21 A. Yes, sir.

22 Q. Were they still verbal?

23 A. Yes, sir.

24 Q. They're still yelling at you?

25 A. Yes.

26 Q. Okay. So what happened when -- I take it this is
27 Officer Domenici, right?

28 A. Correct.

1 Q. What happened when she gets to your location?

2 A. I told her to watch these guys.

3 Q. Okay. You remember giving her any other information
4 why you want her to watch 'em?

5 A. I just said watch them. They haven't been searched.

6 Q. Okay. So at the time she arrived at your location,
7 you hadn't gone back on the train to get either of these other
8 two guys off?

9 A. That's correct, sir.

10 Q. So when you told her to watch 'em, what did you do?

11 A. I went back to the train.

12 Q. And when you went back to the train, did you get on
13 the train?

14 A. No, I did not.

15 Q. What did you do at the train?

16 A. I was looking through the window of the car that I
17 saw the two suspects get on and I saw one of them moving to the
18 next car.

19 Q. So this individual who'd gotten on the train car is
20 actually walking towards the next car?

21 A. Yes.

22 Q. And you see that?

23 A. Yes, I do.

24 Q. How did you know it was the same guy?

25 A. Because I saw his face when he ran back on the train,
26 sir.

27 Q. All right. And so when you saw this guy walking
28 toward the train to get on another car, what did you do?

1 A. I moved to the other car.

2 Q. And then what?

3 A. Looking through the window of the other car.

4 Q. All right. So you're looking through the window kind
5 of following; is that right?

6 A. Correct, sir.

7 Q. And what are you doing as you're following them?

8 A. Well, at the point where he stopped pushing his way
9 through the people because it was packed, I hit the window and I
10 pointed to him. I said, "Get off the train."

11 Q. Had you holstered your Taser at this time?

12 A. No, I did not.

13 Q. So the Taser is still out?

14 A. It is still out, sir.

15 Q. Are you pointing it at him?

16 A. I don't remember.

17 Q. All right. And you tell this guy to get out?

18 A. Yes. "Get off the train."

19 Q. And you point it in his direction? You point it
20 right at him?

21 A. I pointed right at him.

22 Q. Okay. Did he get out of?

23 A. No, he did not.

24 Q. What happened then?

25 A. He just gave me a blank stare.

26 Q. What did you do?

27 A. I reiterated my command.

28 Q. Saying -- you told him to get off?

1 A. "Get off the train."
2 Q. Use any profanity?
3 A. No.
4 Q. Did he get off the train then?
5 A. No, he did not.
6 Q. So what did you do?
7 A. I sidestepped to these doors that was still open next
8 to the window, made eye contact with him again and I said, "Get
9 off the fucken train."
10 Q. All right. Those were your words?
11 A. Yes, they were.
12 Q. And what happened in response to that?
13 A. He made his way to the door.
14 Q. Okay. And when he made his way to the door, did he
15 get off the train?
16 A. Yes, he did.
17 Q. Was the door open?
18 A. The doors were still open.
19 Q. All right. So he comes off the train?
20 A. Yes.
21 Q. And when he comes off the train, what happens?
22 A. I grab his elbow in an escort type of position.
23 Q. All right. And with which hand do you grab his
24 elbow?
25 A. My right hand, sir.
26 Q. All right. You still have your Taser in your left?
27 A. Yes, sir.
28 Q. All right. And as you grab his right elbow, what do

1 you do with him?

2 A. I informed him that we're going over here to the wall
3 near his friends and to have a seat.

4 Q. Okay. And did you then walk him over to the wall?

5 A. Yes, I did.

6 Q. At that point in time between getting him off the
7 train and getting him to the wall, did he offer any physical
8 resistance?

9 A. No physical resistance.

10 Q. And when you got him to the wall, what happened?

11 A. Well, I had explained to him what we were doing
12 because he was chippin. He was cursing while we were going from
13 the train to the wall as I walked.

14 Q. You said he was chippin, is that some slang term for
15 cursing?

16 A. Yes, it is.

17 Q. So he's cursing between getting off the train and
18 getting to the wall?

19 A. Yes, sir.

20 Q. What's he saying?

21 A. "Why you fucking with me?"

22 Q. All right. And did you tell him why you were dealing
23 with him?

24 A. Yes, I did. I told him that we got a report of a
25 fight on the train and you guys would make this a lot easier if
26 you just went with the program and stop playing games.

27 Q. All right. And did he continue to use your term
28 chip?

1 A. Yes, he did.

2 Q. So you get him to the wall. What happens?

3 A. I told him to sit down.

4 Q. All right. Did he hit down?

5 A. No, he did not.

6 Q. What did he do?

7 A. He started asking again, "Why you fucking with me?

8 You ain't even real cops. You're BART police. You ain't shit."

9 Q. Okay. And how long does that go on before there's

10 some change of circumstance?

11 A. I told him at that point to "Sit the fuck down."

12 Q. Using those terms?

13 A. Quotes.

14 Q. All right. And did he respond to that?

15 A. Yes, he did.

16 Q. Did he sit down?

17 A. I don't remember if he squatted or sat, sir, but he

18 did what I felt was enough for me to leave.

19 Q. Okay. To leave to go do what?

20 A. Get suspect number five.

21 Q. Now, Domenici was still there when you brought this

22 guy over?

23 A. Yes. That's correct.

24 Q. Now, thinking back about this guy that you just

25 testified to, to removing the train to having this exchange with

26 where he's chipping at you, do you know who that individual was

27 as you sit here today?

28 A. Oscar Grant the third.

1 Q. And so Mr. Grant either sits or I think you said he
2 may have just kneeled or something?

3 A. Squatted.

4 Q. Squatted. And after that you decide you're going to
5 go get another guy?

6 A. Yes, sir.

7 Q. Now, after you brought Oscar off the train, do you
8 recall if there was anybody yelling at you and perhaps your
9 partner from the train at that time?

10 A. There were people yelling everywhere.

11 Q. People, meaning like people on the train?

12 A. Yes.

13 Q. Okay. And what kind of things were they yelling, if
14 you remember?

15 A. "Why you messing with those boys? It's police
16 brutality." Something along those lines.

17 Q. That kind of yelling had already occurred by the time
18 you got Oscar Grant to the wall?

19 A. Yes.

20 Q. Okay. So you leave him at the wall with the other
21 three, correct?

22 A. That's correct, sir.

23 Q. And then you go where?

24 A. Back to the same car that I watched the two suspects
25 get on.

26 Q. And what did you do once you arrived at that car?

27 A. I stood at the door, the open door, and I called for
28 him.

1 Q. All right. You said you called for him. You've
2 described the trains as being crowded, right?

3 A. Yes, sir.

4 Q. Did you see him?

5 A. When I was standing at the door?

6 Q. Yes, sir. No?

7 A. No.

8 Q. So you said you called for him. How did you call for
9 him?

10 A. I said, "This is the police. You know who I'm here
11 for. Come out. Come out now."

12 Q. All right. And did that elicit any kind of a
13 response that you could see?

14 A. Not from us -- not from the suspect, no.

15 Q. Did it elicit a response from anybody in the car?

16 A. There were a few people. Two different people who
17 said, "Yeah, get off the train." And somebody said, "Yeah, get
18 off the train so we can go home."

19 Q. And other than that, did you see anybody walking
20 toward your direction?

21 A. Nobody was moving, sir.

22 Q. So what happened next?

23 A. I re-holstered my Taser at that time, sir.

24 Q. Okay. And when you re-holstered your Taser, what
25 happened?

26 A. I took a step on the train and people started parting
27 like the red sea.

28 Q. In front of you?

1 A. Every step I took, more people parted.

2 Q. And as you moved in that train, were you moving
3 toward the front of the train or the rear of the train?

4 A. Towards the rear of the train.

5 Q. All right. And as you moved through this car and
6 people were parting, did you ever see that individual who had
7 jumped back on the train?

8 A. Yes, I did, sir.

9 Q. Was he on that same car?

10 A. Same car, sir.

11 Q. And what did you do once you got to him?

12 A. He was doing nothing. He was looking the opposite
13 way. I found it odd because everyone on that train car was
14 looking at me for the exception of him. And, in fact, he was
15 looking out the other side, meaning the opposite side of the
16 platform of the train window.

17 Q. The opposite side from where the other four folks
18 were against the wall?

19 A. That is correct, sir.

20 Q. So you get to him, he's looking in this other
21 direction, and what occurs then?

22 A. I said, "Come on. Let's go."

23 Q. Okay.

24 A. And I grabbed his arm.

25 Q. All right. And what happened after you grabbed his
26 arm?

27 A. He shrugged, like pulled away from -- try to break
28 free from the grasp.

1 Q. And what did you do in response?

2 A. I grabbed his shirt.

3 Q. And when you grabbed his shirt, what did you do?

4 A. I said, "I asked you nicely," and I started to pull
5 him towards me.

6 Q. Which hand did you grab his shirt with?

7 A. Right hand, sir.

8 Q. Whereabouts on his shirt did you grab him?

9 A. The upper chest area near to collarbone, sir.

10 Q. Okay. And you started pulling him?

11 A. That's correct.

12 Q. In your direction?

13 A. Yes.

14 Q. And did he go in that direction then?

15 A. He resisted.

16 Q. Okay. So what did you do?

17 A. I grabbed him with my other hand.

18 Q. Your left hand?

19 A. Correct, sir.

20 Q. And what did you do then?

21 A. I pulled him towards me to turn him around and we
22 talked off the train.

23 Q. And so at one point in time did you have both hands
24 then on him?

25 A. Yes, I did.

26 Q. And you were grabbing his shirt with both hands?

27 A. Yes.

28 Q. And you were pulling him?

1 A. Once we got to the door or close to it, I then
2 proceeded to start pushing him.

3 Q. Okay.

4 A. I was no longer pulling him. I pulled him close to
5 me, spun around, pushed him off the train.

6 Q. All right. And so as you pushed him off the train,
7 he gets onto the platform. Did he go willingly then?

8 A. No, he did not.

9 Q. What did he do?

10 A. He continued to try to break free from my grasp. He
11 said, "Get your fucken hands off me."

12 Q. And did you get your hands off him?

13 A. When we got close to the wall I said, "Have a seat
14 with your friends." And I pushed him towards the wall.

15 Q. And when you pushed him toward the wall, did he then
16 have a seat?

17 A. No, he did not.

18 Q. What occurred?

19 A. He put both hands up, pushed off the wall and spun
20 around.

21 Q. When you say he put both hands up, would you please
22 give us an example of what he does?

23 A. He caught himself on the wall and spun around with
24 his hands up.

25 Q. This is after you had pushed him?

26 A. Yeah. That's correct, sir.

27 Q. So he catches himself off the wall, he spins around,
28 and what kind of stance does he take?

1 A. It's what we call a combative stance. One foot --
2 his left foot was in front of the other and his hands were in
3 clenched fists and they were up.

4 Q. All right. So what happened then?

5 A. I grabbed him and put him on the floor.

6 Q. And how did you take him to the floor?

7 A. I grabbed his hair. A hair pull takedown.

8 Q. And is that -- you're standing there facing him,
9 right?

10 A. Yes, sir.

11 Q. And a hair pull takedown is when you reach up and
12 grab a wad of hair?

13 A. With my left hand, sir.

14 Q. Okay. With your left hand. And you pull him
15 forward?

16 A. Off to the side. I stepped in with my left foot,
17 pulled him over the left foot and pushed him with my right hand.

18 Q. Is this a movement where you're pulling down on the
19 hair and kind of tripping him at the same time?

20 A. Yes, sir.

21 Q. And down he goes face first?

22 A. Yes, sir.

23 Q. Did you start to handcuff him?

24 A. Yes, I did.

25 Q. By the way, for the record, this individual that you
26 just described this interaction with, do you know his name as
27 you sit here today?

28 A. I know last name is Greer. I think the first name is

1 Michael. I'm not sure on the first name.

2 Q. Prior to this occasion, you had never had any
3 interaction with Mr. Greer?

4 A. No, sir.

5 Q. Prior to this occasion, you had never had any
6 interaction with Oscar Grant?

7 A. That's correct.

8 Q. Did you get Mr. Greer handcuffed?

9 A. Eventually, sir.

10 Q. As you started to handcuff Mr. Greer, was he face
11 down on the platform?

12 A. Yes, he was.

13 Q. And as you started to get Mr. Greer handcuffed, did
14 something happen?

15 A. Yes, sir.

16 Q. What happened?

17 A. As I got his right hand handcuffed, Oscar Grant and
18 two people that were sitting next to him stood up.

19 THE COURT: All right, Mr. Rains. That's a good
20 point to take our afternoon recess.

21 So, counsel, in any event, so as the schedule is, tomorrow
22 I have my lawyers from my murder to come back. I have jury
23 instructions do. So Monday the lawyers are back, the defense is
24 going to finish their case. They should argue and instruct on
25 Tuesday. So Wednesday. Wednesday the 3rd. And I have another
26 murder behind that. I'll have those lawyers coming in at 3:00
27 o'clock on Wednesday. So we'll start here. If you need
28 something at 8:30, be here. I'll be here. Otherwise, we'll see

1 you Wednesday.

2 MR. STEIN: Can I make two points, your Honor?

3 THE COURT: Yes.

4 MR. STEIN: First off, I was going to ask for the
5 Court's indulgence in taking another one-session waiver just to
6 be thorough. I know it's a personal waiver, and I want to make
7 sure that Mr. Mehserle can give that personally and since we're
8 taking this break.

9 THE COURT: First of all, he's already waived one
10 session.

11 MR. STEIN: I was not here when he personally did it
12 and I believe that Mr. Rains did it on his behalf. Would the
13 Court be inclined?

14 THE COURT: You were sitting here in my courtroom,
15 but in any event.

16 Mr. Mehserle, you understand you have a right to have a
17 continual preliminary examination within one session, one
18 continual session, until it's completed. You understand you
19 have that right?

20 THE DEFENDANT: Yes.

21 THE COURT: And you give up that right?

22 THE DEFENDANT: Yes.

23 MR. STEIN: Thank you, your Honor. And if the Court
24 would have just a few minute moments to meet with counsel
25 regarding witnesses on Wednesday.

26 THE COURT: I'm here. I'm not going anywhere.

27 All right. We're in recess.

28 (Whereupon, proceedings were adjourned

and continued to June 3, 2009.)

---000---

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1 STATE OF CALIFORNIA)
2) SS
3 COUNTY OF ALAMEDA)
4

5 I, RUBY GOMEZ, an Official Court Reporter of the
6 Superior Court, State of California, County of Alameda,
7 Certificate No. 12971, do hereby certify that the foregoing
8 pages 600 through 757 constitute a full, true, and correct
9 computer-aided transcription of the proceedings that I reported
10 in Department 2 on May 27, 2009, in the within-entitled matter.

11 Dated in Oakland, California, this 15th day of June, 2009.
12
13
14
15

16 **RUBY GOMEZ**
17

18 _____
19 RUBY GOMEZ, RPR, CSR No. 12971
20 OFFICIAL COURT REPORTER
21
22
23
24
25
26
27
28