

<p style="text-align: right;">Page 25</p> <p>1 you tell him, "Hey, I'm pulling somebody over at, you 2 know, William -- William Cannon," or how would a person 3 know where to back you up at, in other words? 4 A Yes, whenever we go out on a traffic stop, we 5 indicate our -- our location. 6 Q Okay. 7 A I was also going over the radio indicating 8 that we were in the HEB parking lot, and that the 9 vehicle was evading from me. 10 Q Okay. And so at what point did Medrano make 11 you aware that he saw this other vehicle that you were 12 trying to pull over? 13 A After I terminated the attempt to stop the 14 vehicle in the HEB parking lot, he pulled into the 15 parking lot and told me that in person. 16 Q Okay. So he wasn't really right there with 17 you and you guys both were looking at the same vehicle 18 at the same time; is that right? 19 A He was at the same location as me, but in a 20 different position. I believe he was on William Cannon 21 Drive when he saw the Cantu's vehicle. I was still in 22 the parking lot of the HEB. 23 Q And to be clear, what you -- what you believe 24 was Cantu's vehicle, correct? Because you don't know 25 exactly if the vehicle that he saw was the same vehicle</p>	<p style="text-align: right;">Page 26</p> <p>1 that you saw; is that right? 2 A I don't know a hundred percent, sure. 3 Q Okay. Now Officer Medrano actually -- did he 4 actually start following that vehicle that you're 5 describing? 6 A Not that I'm aware. 7 Q Okay. So he didn't -- he didn't -- he wasn't 8 able to actually stop that vehicle then in that case, 9 correct? 10 A You're asking me if he was able to stop the 11 vehicle? 12 Q That is what I'm asking you. 13 A No, he did not stop the vehicle. 14 Q Okay. What type of vehicle was it that you 15 saw? 16 A It was a four-door black sedan. I don't 17 remember the exact make and model off the top of my 18 head. 19 Q Is that something that you report when you are 20 asking for backup? 21 A Yes, ma'am. And it would be associated with 22 the license plate return, which is logged in the call 23 for the traffic stop and is visible to all officers who 24 are monitoring Frank's sector. 25 Q Okay. Officer Beirowski, did you do anything</p>
<p style="text-align: right;">Page 27</p> <p>1 to prepare for your deposition here today? 2 A I reviewed -- yes, I did. I reviewed reports 3 and my body camera. 4 Q What reports did you review? 5 A I'm sorry? 6 Q What reports did you review? 7 A I reviewed the evading vehicle report that I 8 wrote related to the traffic stop, as well as my 9 statement that I gave to Internal Affairs and the 10 Special Investigations Unit with the Austin Police 11 Department related to the officer-involved shooting. 12 Q Okay. Was there anything else that you 13 reviewed? 14 A I don't believe so. I mean, I also reviewed 15 the -- the allegations in this lawsuit. And the 16 declarations that I made related to this lawsuit. 17 Q Okay. All right. And do you recall -- did 18 you watch your video, your body cam footage video? 19 A Yes, ma'am. 20 Q Okay. Did you review anyone else's video? 21 A No, ma'am. 22 Q And which video of yours did you review? Or 23 how many of them did you review? 24 A I believe there were three body camera videos 25 that I recorded when I was inside of my vehicle at the</p>	<p style="text-align: right;">Page 28</p> <p>1 south substation talking on the phone with the Cantus. 2 And there was a fourth video that I reviewed of my 3 response to the officer-involved shooting. 4 Q Okay. And when you say your response to the 5 officer-involved shooting, you're talking directly about 6 the officer-involved shooting of Paul Cantu, correct? 7 A Yes, ma'am. 8 MS. LEWIS: Okay. All right. And so I'm 9 going to actually go over some of these videos with you. 10 And I just want to get some of your -- I want you to 11 take a listen to them, and I want to hear your position 12 on these videos. If you give me just a moment, I'm 13 going to get it set up. 14 Okay. All right. Now these videos are a 15 little bit long and they're probably about an hour and 16 maybe 45 minutes long. So what I'm going to do is I'm 17 going to ask you to, when you review the video, to let 18 me know -- give me just a moment. Let me know if I need 19 to slow it down because what I want to do is play it at 20 double speed. I'm sorry, not double speed. It was 21 (indiscernible - audio disruption) quickly, and it won't 22 be double, but it'll be a little faster. 23 If it's too much for you to keep up with 24 or stay -- keep along with, just let me know. And -- 25 yes, I'm --</p>

Page 29	<p>1 MR. BARTON: I'm going to pose an 2 objection to the quicker version. I think it's fine to 3 play the real-time version. And you can go ahead and do 4 it. But I'm just telling you, you can make an objection 5 to it. I don't think it's a problem. 6 MS. LEWIS: Oh, I'll go ahead and play 7 the real-time version. I was more concerned about time, 8 but if you are -- nobody's concerned about that, then 9 I'm happy to play the real-time version. 10 So we'll go ahead and continue with the 11 real-time version, the real actual timestamp version 12 without speeding -- speeding up the actual playing of it 13 with references to certain points of the timestamp. 14 So with that, I'm going to go ahead and 15 start the video. Okay. All right. So this first one 16 is an hour and 15 minutes long, and I'm going to be 17 pausing this video along the way. And I want to kind of 18 have you to go over them, some of the questions that I 19 may have. So give me just one moment? I'm going to go 20 ahead and pause this and share the screen. 21 (Video playback.) 22 MS. LEWIS: And let me pause this. This 23 is going to be for the exhibit list. And it's going to 24 be Bate stamped COA009RAP7838-3, Beirowski. And it's 25 going to be Axen -- Axon body camera X81076685.</p>	Page 30	<p>1 (Video playback.) 2 MR. BARTON: We are not hearing anything 3 on our end. 4 MS. LEWIS: You can't hear it? 5 MR. BARTON: No. 6 MS. LEWIS: Oh, okay. Let me see what -- 7 THE REPORTER: No, I'm sorry. I'm not 8 hearing it either. 9 MS. LEWIS: Okay. Let me see what I can 10 do here. Hang on, let me stop sharing this. I don't 11 know what's going on with the audio here, but I have a 12 different way I think I can work around it. It's not -- 13 it's not quite -- let's see. Upstairs. 14 Can you guys hear it at least? 15 MR. BARTON: No. 16 MS. LEWIS: Okay. Hang on. Maybe it's 17 just -- what about now? 18 (Video playback.) 19 MS. LEWIS: Okay. Let me pause it. And 20 I'm going to share it now. Okay. Can you -- can you 21 see the screen share at this point? 22 THE WITNESS: Yeah. 23 MS. LEWIS: Okay. Good. And let's see 24 if you can hear it. 25 (Video playback.)</p>
Page 31	<p>1 MS. LEWIS: Are you able to hear it? 2 THE WITNESS: Yes, I was. 3 MS. LEWIS: Okay. All right. I'm going 4 to go ahead and start it from the beginning. 5 (Video playback.) 6 BY MS. LEWIS: 7 Q Officer Beirowski, why did you tell Mr. Cantu 8 the person driving the vehicle? 9 MR. BARTON: It's -- the -- I'm just 10 going to make an objection. There's a lot of 11 echoing when you're speaking -- 12 MR. CANTU: Somebody wants to tell him 13 something. 14 MS. LEWIS: Okay. Is it still echoing? 15 Hello? Is it still echoing? 16 THE REPORTER: Yes. I can hear a little 17 bit of echo. Can you say something, Ms. Lewis? 18 MS. LEWIS: Yes. Is it still echoing? 19 THE REPORTER: Yes, there is. 20 MR. CANTU: I don't understand it. 21 (Indiscernible - simultaneous speech). 22 THE REPORTER: And what we can do if we 23 want to try to refresh (Indiscernible - simultaneous 24 speech) at the top -- 25 MS. LEWIS: Hang on a second. Hang on a</p>	Page 32	<p>1 second. 2 Let me clear this screen here. 3 MR. BARTON: I think -- 4 MS. LEWIS: I don't know. 5 MR. BARTON: -- that Cantus' microphone 6 is not muted. I think that might have something to do - 7 - 8 MS. LEWIS: Yes, I agree. 9 MR. CANTU: He's not laughing now. 10 MS. LEWIS: Mr. Cantu, you're not muted, 11 and you can hear us? You need to -- 12 MS. CANTU: No, we're on mute. Respond 13 to them. 14 MS. LEWIS: Is there -- is there a way 15 for you all to mute Mr. Cantu's mic, if you can? Thank 16 you. Okay. Can you -- okay. Hang on one more moment. 17 THE REPORTER: Mr. Cantu, you need to 18 mute your mic. 19 (Video playback.) 20 (Phone call.) 21 MR. CANTU: See, like, my phone got 22 unmuted by itself. I walked away -- I mean, my computer 23 got -- 24 MS. LEWIS: We'll go off the record. Can 25 we, please, go off the record?</p>

Page 33	<p>1 MR. BARTON: Okay.</p> <p>2 THE REPORTER: Okay. Now it is 7:10</p> <p>3 p.m., and we are off the record.</p> <p>4 (Off the record.)</p> <p>5 THE REPORTER: We are back on the record.</p> <p>6 The time is 7:21 p.m., Eastern Time.</p> <p>7 MS. LEWIS: Okay. I'm going to continue</p> <p>8 to share this video where we left off. Okay. Just a</p> <p>9 second or two.</p> <p>10 (Video playback.)</p> <p>11 THE WITNESS: I can't hear any audio on</p> <p>12 the video.</p> <p>13 MS. LEWIS: You can't hear anything?</p> <p>14 THE REPORTER: No.</p> <p>15 MS. LEWIS: Oh, great.</p> <p>16 Okay. I don't know how to go about.</p> <p>17 THE REPORTER: Do you want me to contact</p> <p>18 Tech Support and see if they can walk you through it on</p> <p>19 -- while on the depo?</p> <p>20 MS. LEWIS: Yeah. But were you guys here</p> <p>21 listening -- you guys were able to hear it before that,</p> <p>22 right?</p> <p>23 THE WITNESS: Yes, ma'am --</p> <p>24 THE REPORTER: Yes.</p> <p>25 MS. LEWIS: Okay. So maybe it's</p>	Page 34	<p>1 something I can -- let me stop sharing and then reshare</p> <p>2 again before we wait for that.</p> <p>3 (Video playback.)</p> <p>4 MS. LEWIS: Can you hear it now?</p> <p>5 THE WITNESS: Yep.</p> <p>6 THE REPORTER: Yes.</p> <p>7 MS. LEWIS: Okay. Here you go.</p> <p>8 (Video playback.)</p> <p>9 MS. LEWIS: And you're able to hear it</p> <p>10 still?</p> <p>11 THE WITNESS: No, not now.</p> <p>12 MS. LEWIS: Okay. I'm -- I'll put it on</p> <p>13 pause so I can make sure you guys can see -- hear it.</p> <p>14 But you were able to hear it for one -- at one point,</p> <p>15 correct?</p> <p>16 THE WITNESS: Yeah, at one point.</p> <p>17 MS. LEWIS: Okay. Just -- how about now?</p> <p>18 (Video playback.)</p> <p>19 THE WITNESS: Quiet.</p> <p>20 (Video playback.)</p> <p>21 MS. LEWIS: Can you hear it?</p> <p>22 THE WITNESS: Yes, it's pretty quiet.</p> <p>23 MR. BARTON: Yes. It's kind of low.</p> <p>24 Seems unusually --</p> <p>25 MS. LEWIS: Is it --</p>
Page 35	<p>1 MR. BARTON: -- quiet.</p> <p>2 MS. LEWIS: Okay. Let me see if there's</p> <p>3 anything more I can do. Yeah, I don't know whether I</p> <p>4 can --</p> <p>5 (Video playback.)</p> <p>6 MR. BARTON: Yeah, it -- just isn't</p> <p>7 playing. Not hearing anything.</p> <p>8 MS. LEWIS: Okay.</p> <p>9 (Video playback.)</p> <p>10 MS. LEWIS: Yeah, we may have to --</p> <p>11 (Video playback.)</p> <p>12 MS. LEWIS: -- try something else.</p> <p>13 (Video playback.)</p> <p>14 MS. LEWIS: It's really odd because it</p> <p>15 played the other videos (indiscernible - audio</p> <p>16 disruption). I'm not certain.</p> <p>17 THE REPORTER: Ms. Lewis, do you want me</p> <p>18 to see if I can contact Tech Support in -- for Remote</p> <p>19 Legal?</p> <p>20 MS. LEWIS: Sure, you can. Yeah, sure.</p> <p>21 We might as well --</p> <p>22 THE REPORTER: Okay.</p> <p>23 MS. LEWIS: -- try as many avenues as we</p> <p>24 can.</p> <p>25 THE WITNESS: Take a bathroom break over?</p>	Page 36	<p>1 MR. BARTON: Yeah.</p> <p>2 MS. LEWIS: Okay.</p> <p>3 MR. BARTON: We're going to take a 5-</p> <p>4 minute refreshment break, so we'll be right --</p> <p>5 MS. LEWIS: Okay. Sounds good --</p> <p>6 THE REPORTER: But why don't we --</p> <p>7 MS. LEWIS: Sure.</p> <p>8 THE REPORTER: -- go off the record?</p> <p>9 MS. LEWIS: Yes, please.</p> <p>10 THE REPORTER: All right. The time is</p> <p>11 7:25 -- 7:26 p.m., Eastern Time, and we are off the</p> <p>12 record.</p> <p>13 (Off the record.)</p> <p>14 THE REPORTER: We are back on the record.</p> <p>15 The time is 7:50 p.m. Eastern Time.</p> <p>16 MS. LEWIS: Okay. All right. I'm going</p> <p>17 to continue on -- and hopefully we all can see this.</p> <p>18 MR. BARTON: I see the video playing, but</p> <p>19 I don't hear anything.</p> <p>20 MS. LEWIS: Can you hear it now?</p> <p>21 THE WITNESS: Yeah. It's low, quiet.</p> <p>22 But I can hear it.</p> <p>23 MR. BARTON: If there is a way there,</p> <p>24 increase the volume, that would be good.</p> <p>25 (Video playback.)</p>

<p style="text-align: right;">Page 37</p> <p>1 BY MS. LEWIS:</p> <p>2 Q Officer Beirowski, can you -- can you tell me</p> <p>3 how you were able to determine that it was not Paul</p> <p>4 driving his own vehicle?A I'm sorry, could you</p> <p>5 repeat the question?Q Yes. I asked if, how Officer</p> <p>6 Beirowski was able to determine that it was not Paul</p> <p>7 driving his own vehicle.</p> <p>8 When you made that statement to Mr. --</p> <p>9 THE WITNESS: I'm Officer Beirowski; is</p> <p>10 that right?</p> <p>11 BY MS. LEWIS:</p> <p>12 Q Right. I'm asking you the question.</p> <p>13 A Okay. Yeah. It's just --</p> <p>14 Q Can you --</p> <p>15 A -- confusing because you're referring to</p> <p>16 myself in the third person.</p> <p>17 But -- so I -- at the time of this interview</p> <p>18 with -- with Mr. Cantu, I was under the impression that</p> <p>19 the driver of the vehicle was Roberto Cantu, based on</p> <p>20 the fact that Officer Medrano saw the vehicle -- saw the</p> <p>21 driver of the vehicle.</p> <p>22 I showed him the driver's license photo that I</p> <p>23 had located for Roberto Cantu, and he confirmed that</p> <p>24 that was the person that he saw driving the vehicle.</p> <p>25 Q Okay. And how did you come to locate the</p>	<p style="text-align: right;">Page 38</p> <p>1 driver's license of Roberto Cantu?</p> <p>2 A I took a fairly standard -- a research that we</p> <p>3 do on calls. So I had the license plate for the</p> <p>4 vehicle. Based on that video, I -- I remember now that</p> <p>5 it was registered to Paul Cantu. I did a license check</p> <p>6 on Paul Cantu. Associated with his driver's license,</p> <p>7 there was an emergency contact for Roberto Cantu,</p> <p>8 provides phone number and address, usually.</p> <p>9 I then ran a records check on Roberto Cantu,</p> <p>10 and was able to find that driver's license, which showed</p> <p>11 his photo, which I then showed to Officer Medrano.</p> <p>12 Q Did you look for Paul Cantu's driver's</p> <p>13 license?</p> <p>14 A Yes. That's the first one that I looked for,</p> <p>15 because he was the registered owner of the vehicle.</p> <p>16 Q All right. And when you -- when you looked at</p> <p>17 that vehicle -- that license, did you show that to</p> <p>18 Officer Medrano?</p> <p>19 A I do not recall if I showed it to Officer</p> <p>20 Medrano. I -- I may have showed him both, or just</p> <p>21 Roberto's driver's license photo. I don't recall.</p> <p>22 Q Why will -- why would you not showed him the</p> <p>23 registered vehicle owner's license?</p> <p>24 A I -- I may not have, based on his description</p> <p>25 of the driver as a middle-aged man. And it was very</p>
<p style="text-align: right;">Page 39</p> <p>1 clear that Paul Cantu, both based on his driver --</p> <p>2 birthdate, and his photo was not a middle -- middle-aged</p> <p>3 man.</p> <p>4 Q Okay. Did -- and who did you see in the</p> <p>5 vehicle?</p> <p>6 A I did not see anybody in the vehicle.</p> <p>7 Q But you're the person who first made contact</p> <p>8 with the vehicle, right?</p> <p>9 A I never made contact with the driver of the</p> <p>10 vehicle. I attempted to make a traffic stop, during</p> <p>11 which time the only position I ever saw the vehicle in</p> <p>12 was either a rear or side view.</p> <p>13 Q Okay. So you weren't able to see the driver</p> <p>14 of the vehicle from the rear or the side view; is that</p> <p>15 what you're --</p> <p>16 A That's correct. And that's very, very common</p> <p>17 that we cannot see drivers, especially at night, from</p> <p>18 the rear.</p> <p>19 Q Okay. Now when it kept -- excuse me.</p> <p>20 How did officer Medrano say that he recognized</p> <p>21 Paul in the vehicle?</p> <p>22 A I don't remember --</p> <p>23 Q In other words --</p> <p>24 A -- the exact word he used.</p> <p>25 Q In other words, how did he describe the driver</p>	<p style="text-align: right;">Page 40</p> <p>1 of the vehicle, I should say?</p> <p>2 A I believe, he described him as a middle-aged,</p> <p>3 White male, with a baseball cap, and gray hair -- or</p> <p>4 gray or white hair.</p> <p>5 Q All right. Did he describe the vehicle that</p> <p>6 he saw?</p> <p>7 A I don't recall. He saw it so quickly after,</p> <p>8 you know, I terminated my attempt at the traffic stop</p> <p>9 that -- I believe he -- he saw the same vehicle. It was</p> <p>10 -- it was later that night, so there weren't a lot of</p> <p>11 vehicles in the area.</p> <p>12 MS. LEWIS: Okay. I'm going to continue.</p> <p>13 Let me see.</p> <p>14 (Video playback.)</p> <p>15 THE REPORTER: Ms. Lewis, are you</p> <p>16 continuing the video?</p> <p>17 MS. LEWIS: Yes.</p> <p>18 THE REPORTER: Okay. Are you -- are you</p> <p>19 hearing it?</p> <p>20 MS. LEWIS: Oh God --</p> <p>21 THE WITNESS: I don't see it.</p> <p>22 MS. LEWIS: Yes, I hear it. Can you guys</p> <p>23 see it?</p> <p>24 THE REPORTER: We can see it. It's not</p> <p>25 playing anything.</p>

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1 Officer Beirowski, do you see or hear the
 2 video?
 3 THE WITNESS: I don't see or hear the --
 4 I see the video, but it looks like it's paused or
 5 frozen.
 6 MS. LEWIS: Okay. This is weird.
 7 (Indiscernible). I'm not sure exhibit -- am I sharing
 8 two exhibits at once, maybe?
 9 THE REPORTER: No. You can only share
 10 one at once.
 11 MS. LEWIS: Oh, but apparently -- let's
 12 see. Apparently, I was sharing -- like, because it's a
 13 different timestamp.
 14 THE WITNESS: It's playing.
 15 MS. LEWIS: Okay.
 16 (Video playback.)
 17 BY MS. LEWIS:
 18 Q Okay. And was it in -- who are you talking to
 19 saying that Mr. Cantu was giving you a bullshit story?
 20 A I don't know. It was another officer at the
 21 south substation.
 22 Q And were you talking to that person on the
 23 radio, on the phone? How were you communicating with
 24 that individual?
 25 A I believe, they were at my window -- the

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1 call Paul Cantu at that time, correct?
 2 A Yeah. I just tried to call Paul Cantu based
 3 off of the number that Roberto gave me. And I don't
 4 know who I just tried to call that second time; whether
 5 it was Roberto or Paul, I can't tell.
 6 MS. LEWIS: Okay. I'm going to start the
 7 video back.
 8 (Video playback.)
 9 BY MS. LEWIS:
 10 Q Officer Beirowski, did you believe that Robert
 11 Cantu was -- what do you represent this to be, at this
 12 point, an attorney?
 13 A Did I believe he was an attorney? Yes.
 14 Q Okay. But you still believe that he was in
 15 Austin with the vehicle?
 16 A At that point, I'm -- I -- I'm directly
 17 confronting him with the fact that I believe he was the
 18 driver. Yes, I still believed he was the driver of the
 19 vehicle at -- at this point in the video.
 20 MS. LEWIS: Okay. I'm going to continue.
 21 (Video playback.)
 22 MS. LEWIS: It's saying unexpected error
 23 occurred.
 24 Can you guys still see it?
 25 THE WITNESS: Yes.

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1 driver's window.
 2 Q Okay. Was Mr. Cantu giving you a bullshit
 3 story?
 4 A At the -- at the time, I believe so. Now
 5 knowing that everything that I know now, I don't think
 6 it was a bullshit story. But I believe that he may have
 7 been lying about driving the vehicle.
 8 Q At the time, correct?
 9 A At that time, when I said that.
 10 Q Okay. Is your -- is your phone -- let me
 11 pause this here.
 12 Is this phone here that you're using; is that
 13 a City of Austin cell phone or is that your personal
 14 phone?
 15 A It's a City of Austin cell phone.
 16 Q What is that phone number?
 17 A Oh, it's --
 18 I got to give that, sir?
 19 MR. BARTON: Is it your --
 20 THE WITNESS: It's a City of Austin cell
 21 phone number.
 22 MR. BARTON: Yeah. I think so. Okay.
 23 THE WITNESS: 737-228-2175.
 24 BY MS. LEWIS:
 25 Q Okay. And you try -- you were attempting to

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1 THE REPORTER: Yeah, I can see it and
 2 still hear it.
 3 MS. LEWIS: Okay.
 4 (Video playback.)
 5 BY MS. LEWIS:
 6 Q Officer Beirowski, can you tell me, at this
 7 point, had you guys actually seen Paul as you
 8 represented to Mr. Cantu?
 9 A I don't think I ever said that I saw Paul --
 10 Q Okay.
 11 A -- to Mr. Cantu.
 12 Q But you are saying here in this video that we
 13 saw him, and the car didn't have anything in the
 14 vehicle.
 15 Is -- did you hear that part?
 16 A Yes, ma'am.
 17 Q Okay. What did you mean by that?
 18 A I mean that it didn't appear to be full of
 19 personal belongings.
 20 Q Okay. But you heard him say, if we can see
 21 the vehicle, we can see the inside the vehicle, correct?
 22 A Yes, ma'am.
 23 Q Okay. But you hadn't -- you were just telling
 24 Mr. Cantu that you didn't really mean that; is that
 25 right?

<p style="text-align: right;">Page 45</p> <p>1 A That I didn't mean that we can see inside --</p> <p>2 Q You really didn't think of --</p> <p>3 A -- the vehicle?</p> <p>4 Q No. That you saw the driver.</p> <p>5 A I'm really confused with the question.</p> <p>6 MS. LEWIS: Okay. Let me just go back.</p> <p>7 We're going to just go back a little bit on the video.</p> <p>8 Maybe that'll clarify some things here.</p> <p>9 (Video playback.)</p> <p>10 BY MS. LEWIS:</p> <p>11 Q Okay. So do you understand what I'm saying?</p> <p>12 Did you actually see the driver?</p> <p>13 A I did not see the driver.</p> <p>14 Q Okay. So you just told me --</p> <p>15 A Besides, the driver, I (indiscernible - audio</p> <p>16 disruption) did not see the face at least.</p> <p>17 Q Okay. So you were just telling Mr. Cantu that</p> <p>18 you saw the driver, but you really hadn't, correct?</p> <p>19 A Well, I did say, "We." And so when I say</p> <p>20 "We," I'm referring to the police in general, and my --</p> <p>21 my partner seeing the driver.</p> <p>22 Q Oh, okay. So you not -- you did not see it,</p> <p>23 and you can't really say what anybody else had seen,</p> <p>24 right?</p> <p>25 A Well, yeah, I can say that my partner saw the</p>	<p style="text-align: right;">Page 46</p> <p>1 driver when my partner is telling me that he saw the</p> <p>2 driver good enough to be able to identify his face.</p> <p>3 (Video playback.)</p> <p>4 THE REPORTER: Mr. Barton, I'm going to</p> <p>5 pause this. I just realized when I just looked up, Ms.</p> <p>6 Lewis has dropped from the depo.</p> <p>7 MR. BARTON: Okay.</p> <p>8 THE REPORTER: So let me see if I can get</p> <p>9 ahold of her.</p> <p>10 MR. BARTON: Yeah. So we go off the</p> <p>11 record --</p> <p>12 THE REPORTER: It's just -- it's just</p> <p>13 within the last five minute or so.</p> <p>14 MR. BARTON: Okay. And we'll go off the</p> <p>15 record for -- right now until she gets back on.</p> <p>16 MS. LEWIS: Okay.</p> <p>17 THE REPORTER: It is 8:59 p.m., Eastern</p> <p>18 Time, and we are off the record.</p> <p>19 (Off the record.)</p> <p>20 THE REPORTER: We are back on the record.</p> <p>21 The time is 9:02 p.m. Eastern Time. I'll go ahead and</p> <p>22 press the play.</p> <p>23 Ms. Lewis, is that okay?</p> <p>24 MS. LEWIS: Yes, please. Thank you.</p> <p>25 THE REPORTER: Thank you.</p>
<p style="text-align: right;">Page 47</p> <p>1 (Video playback.)</p> <p>2 BY MS. LEWIS:</p> <p>3 Q Okay. Officer Beirowski, at this part in the</p> <p>4 video, we can hear you say that you no longer believe</p> <p>5 that Mr. Cantu is the person that was driving the</p> <p>6 vehicle and you've also agreed to, I guess submit a</p> <p>7 locate person report; is that correct?</p> <p>8 A Yes, ma'am.</p> <p>9 Q What is a locate person report?</p> <p>10 A So it's a request to locate -- that's a report</p> <p>11 that we'll take for -- it's -- it's not quite a missing</p> <p>12 person's report, right? Like, there's nothing to</p> <p>13 indicate that this person has, you know, fallen as -- as</p> <p>14 -- there's no foul play, you know, nothing like that.</p> <p>15 It's merely, this is an adult and their friends or</p> <p>16 family would like to know if they're okay when they're</p> <p>17 located.</p> <p>18 Adults have a lot more protections than</p> <p>19 children do, so, you know, whenever we would find that</p> <p>20 adult, Paul Cantu in this case, we would ask him if it</p> <p>21 would be okay if we told his parents that he was okay,</p> <p>22 because they filed this request to locate report and</p> <p>23 that would be the extent of it.</p> <p>24 Q All right. And so at this point, we -- you</p> <p>25 agreed to do the locate person report. This was after</p>	<p style="text-align: right;">Page 48</p> <p>1 speaking with the Cantus for about an hour, it looks</p> <p>2 like and eight minutes, correct?</p> <p>3 A I don't know exactly how much time it was but</p> <p>4 yes, I'm agreeing to do the request to locate report.</p> <p>5 Q Okay. Do you see -- do you see the timestamp</p> <p>6 on the video?</p> <p>7 A I see -- I see that it says 6:30 a.m. I guess</p> <p>8 that's Greenwich Standard Time. So I guess it's about</p> <p>9 1:30 a.m., Central Time, I believe?</p> <p>10 Q Right. Do you see here where it says the</p> <p>11 video's been playing for one hour and eight minutes?</p> <p>12 A No, I do not see that.</p> <p>13 Q Okay.</p> <p>14 A I just see the numbers at the top right. I</p> <p>15 don't see anything at the bottom or anything.</p> <p>16 Q Okay. So it's showing six -- the timestamp is</p> <p>17 6:30:12, correct?</p> <p>18 A Yes, ma'am.</p> <p>19 Q Okay.</p> <p>20 MS. LEWIS: All right. I'm going to go</p> <p>21 ahead and continue playing the video.</p> <p>22 (Video playback.)</p> <p>23 THE WITNESS: Okay.</p> <p>24 MS. LEWIS: Okay.</p> <p>25 BY MS. LEWIS:</p>

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1 Q Officer Beirowski, I'm going to show you -- it
 2 looks like there should be two more videos that I want -
 3 - that continue from that point. Let me see. Give me
 4 just a moment.
 5 Okay. All right. I think I'll have to start
 6 by sharing here. Just one second. Okay.
 7 MR. BARTON: We need to take like a five-
 8 minute break, refreshment break while you're setting
 9 that up.
 10 MS. LEWIS: Sure. Yeah, sure. Okay.
 11 That makes sense. Okay. I'll do that.
 12 THE REPORTER: Okay. The time is 9:24
 13 p.m., and we are off the record.
 14 (Off the record.)
 15 THE REPORTER: We are back on the record.
 16 The time is 9:32 p.m., Eastern Time.
 17 MS. LEWIS: Okay. I want to go ahead and
 18 share this next video. Let's see. This should not be,
 19 and it's showing you, however. Okay.
 20 Can everybody hear the video? Okay.
 21 (Video playback.)
 22 MR. BARTON: The video stopped. I'm not
 23 sure if that was you.
 24 THE REPORTER: Ms. Lewis, the video
 25 stopped at 8:49.

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1 experience.
 2 Would you consider an officer with four years
 3 of experience to be a new officer, a senior officer, or
 4 a -- an officer with minimal experience?
 5 A My title at the time was a senior police
 6 officer. I worked in one of the busiest sectors in the
 7 city. I worked nonstop on a wide variety of calls for
 8 those four years.
 9 Q Okay. And at end of the day, you were
 10 absolutely wrong on many fronts as it relates to Paul
 11 Cantu being the driver of this vehicle versus his father
 12 being the driver of the vehicle versus him having white
 13 hair versus him having -- being without hair. You were
 14 just all over the place with determining whether this
 15 was Paul Cantu or not, relying on your four years of
 16 experience and training; isn't that true?
 17 MR. BARTON: Object to the form.
 18 BY MS. LEWIS:
 19 Q You can answer, Officer Beirowski.
 20 A So I was basing -- it's really easy to go back
 21 and quarterback this with everything that we know now.
 22 What I knew at the time when I was beginning to
 23 interview Roberto Cantu over the phone was that my very
 24 senior partner saw the driver of the vehicle and
 25 identified him as Roberto Cantu.

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1 MS. LEWIS: Yes, I'm sorry. I had it --
 2 I was asking Officer Beirowski a question.
 3 BY MS. LEWIS:
 4 Q At this point of the video you are just
 5 speculating as to whether Paul was driving the vehicle,
 6 correct?
 7 A Yeah, there was no way that I could have known
 8 that for sure.
 9 Q Okay. And yet you were insisting that they
 10 accept the fact that he was driving the vehicle because
 11 he, quote, "Admitted to destroying the video," correct?
 12 A Yeah. Based on my experience as officer with
 13 roughly four years of experience at the time, I believed
 14 that based on those statements, the location of the
 15 vehicle, the last time that I had seen the vehicle, the
 16 manner in which the vehicle had fled from me, that -- in
 17 addition to the appearance of the driver of the vehicle
 18 with the black hats, you know, what appeared to be white
 19 hair could be shaved head instead, I believed that --
 20 that Paul was more likely than not the driver of that
 21 vehicle when it evaded.
 22 Q Okay. Now you just ran down several different
 23 clues to lead you to believe your conclusion, which were
 24 all speculative based on your four years of experience.
 25 Let's start with your four years of

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1 Q Right. And would -- it would have been very
 2 easy to go back in -- and Monday morning quarterback
 3 what we know now versus back then. You're still making
 4 the statements that you're making today that you --
 5 based on your training of a -- as a four-year officer at
 6 the time that you knew what you were talking about back
 7 then; isn't that true?
 8 You're not saying -- I'm not asking you to
 9 repeat what you said back then. I'm asking you, these
 10 are your statements that you're making here today; isn't
 11 that right?
 12 MR. BARTON: Objection to form and
 13 really, frankly, I don't know that that's a question.
 14 What are you saying? What are you
 15 asking?
 16 THE WITNESS: I don't understand.
 17 MS. LEWIS: Okay. That would be for him
 18 to ask, but I asked him; isn't that right?
 19 MR. BARTON: It was for me to ask because
 20 it's nonsensical. It's not even a question, so please
 21 think about the questions and ask them.
 22 MS. LEWIS: The question -- Mr. Barton,
 23 I'm not asking you a single question. I'm asking --
 24 MR. BARTON: I'm objecting to your
 25 questions --

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1 MS. LEWIS: I'm asking -- and your
 2 objection, you could be --
 3 MR. BARTON: -- because the form is
 4 unintelligible.
 5 MS. LEWIS: -- pursuant to the rules. Do
 6 you need to -- there is a -- there is a rulebook. It's
 7 called the Federal Rules of Civil Procedure. And
 8 according to those rules, your objections are limited.
 9 Your objections are nonsensical. Your objections are
 10 not pursuant to the rules. You should be following the
 11 Federal Rules of Civil Procedure and objecting
 12 accordingly.
 13 There was a question on the table. If he
 14 does not understand my question, he is welcome to ask me
 15 to rephrase the question or ask the question in a
 16 different way. That did not happen. So until your
 17 witness is confused, I will continue to ask the question
 18 that I need to.
 19 I will go ahead and ask the question
 20 again, seeing that I'm sure he cannot remember the
 21 original question that's on the table beforehand.
 22 THE WITNESS: I did not hear the -- so if
 23 you could please rephrase it, so I can understand it,
 24 that would be better.
 25 MS. LEWIS: Yeah, of course. We've all

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1 evaded from me during that traffic stop.
 2 Q Okay. But you also believed that it was an
 3 older gentleman with white hair; isn't that true?
 4 A I never believed that. I took the word of my
 5 -- of my fellow officer who said he saw the driver of
 6 the vehicle and identified him as Roberto Cantu.
 7 Q Okay. But you also stated that you never saw
 8 the driver. So what is -- isn't that right?
 9 A That's correct. I never saw the driver,
 10 ma'am.
 11 Q Okay. So you don't know -- you really don't
 12 have any idea who was behind the wheel of that car;
 13 isn't that true?
 14 A It's -- it's completely true that 100 percent
 15 I don't know who was behind the -- the wheel of that car
 16 when it evaded from me --
 17 Q Yeah, but today --
 18 A That was not at the end of the night.
 19 Q I'm sorry?
 20 A That was not my concern at the end of the
 21 night. My concern at the end of the night was checking
 22 on the wellbeing of their son. I was not interested --
 23 Q Well, let's talk about that. Let's talk about
 24 that.
 25 MS. LEWIS: In fact, we're going to

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1 led you to this point, so yes now you need that. I will
 2 go ahead and do that.
 3 BY MS. LEWIS:
 4 Q Now Officer Beirowski, you stated that you
 5 worked in the busiest sector in the city, and that it's
 6 easy to Monday morning quarterback and look at this all
 7 this time later and see what could have been done, or
 8 should have been done or what could have been known at
 9 the time but today -- as we sit here today, you
 10 absolutely were wrong on all fronts of what you believed
 11 as it relates to Paul Cantu being the driver of that
 12 vehicle versus his father, which you initiated -- excuse
 13 me, initially stated was the case in this instance as
 14 well as him having white hair versus a bald head. All
 15 that was wrong; isn't that true?
 16 MR. BARTON: Object to the form.
 17 THE WITNESS: I still don't understand
 18 what the question is.
 19 BY MS. LEWIS:
 20 Q Was it all wrong? Was it wrong? Do you have
 21 any evidence today as we sit here today, Monday morning
 22 quarterback, because we're allowing you to be the
 23 quarterback, that Paul Cantu had white hair and was
 24 driving this car that day?
 25 A I believe Paul Cantu was the driver that

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1 finish the video and then we're going to get into that.
 2 So we're going to get into that.
 3 (Video playback.)
 4 MS. LEWIS: Okay. I'm going to find --
 5 play the final video.
 6 (Video playback.)
 7 BY MS. LEWIS:
 8 Q Officer Beirowski?
 9 A Yes, ma'am.
 10 Q Okay. So at this point at the end of that
 11 video right there, Paul was still living, correct?
 12 A Yes, ma'am.
 13 Q Okay. And after all of the videos, and they
 14 were -- it seemed like they were just chopped up videos
 15 of all of your phone calls from -- between yourself and
 16 the Cantu; is that correct?
 17 A Yes, ma'am.
 18 Q All right. And which officer did you send to
 19 the location to locate Paul?
 20 A I don't know if I sent a specific officer. I
 21 think I identified a specific officer for the Airbnb or
 22 the location near Burleson, but I think I just put in a
 23 call for service for the Auburn Blaze, and I know
 24 Officer Camacho assigned to it. I don't remember if I
 25 specifically asked Officer Camacho to go, but I know

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1 that he went.

2 Q Okay. All right. And so he obviously was

3 located at Auburn Blaze, correct?

4 A He was located off of East William Cannon

5 Drive behind where Auburn Blaze ends. Kind of dead ends

6 in the ditch area between -- yeah, next to William.

7 Yeah.

8 Q Okay. And you arrived on the scene while --

9 after he was shot, correct?

10 A Pretty much at the same time that he was shot.

11 Q Okay. And so you knew exactly who he was; is

12 that right?

13 A When I got down and -- and saw his face, I

14 knew who he was. When I got down into the ditch.

15 Q All right. And so there was -- so was he the

16 person that evaded you?

17 A More likely than not, I believe so, but I

18 can't say a 100 percent sure, because I never saw --

19 Q You're speculating. So you're speculating,

20 right?

21 A Yeah, I wouldn't file on him before that, but

22 I believe he was.

23 Q Okay. And did you see his vehicle?

24 A Yes, ma'am.

25 Q Was it destroyed?

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1 wanted to provide the name over the radio so Sergeant

2 Joseph who was communicating with him could address it

3 by his -- his first name, hopefully improve rapport and

4 trust between them.

5 Q Okay. And why did you believe that Officer

6 Joseph needed to improve rapport and trust with him?

7 Did you understand or know that he was suicidal at that

8 point?

9 A I understood that he had a firearm, and I

10 heard repeated reports that he still had the firearm,

11 and that Sergeant Joseph was -- was talking to him. I

12 assume that he was talking to him. So rapport and trust

13 would be important if it was, say a suicide by cop

14 situation or a situation where there's some sort of

15 negotiation going on to get Paul to drop the firearm.

16 Q Okay. So you heard all this on the radio,

17 right?

18 A I -- I mean, there were reports that he had a

19 firearm. Yes, that's what I heard over the radio.

20 Q Okay. But all this stuff about him needing to

21 build rapport and negotiation and suicide by cop and all

22 that, you heard all that over the radio?

23 A That's what was going on through -- in my

24 head. That's what I was thinking might be happening.

25 Q Okay. So you just were imagining these things

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1 A I didn't pay really close attention to the

2 damage on the vehicle. I did see that it was down into

3 the ditch after going down a steep embankment.

4 Q But did you see that whether it was destroyed

5 or not?

6 A No, ma'am. I didn't see the front --

7 Q Okay. Did you see any -- did you see any part

8 of the vehicle that was destroyed? I mean -- excuse me,

9 damaged?

10 A I don't recall.

11 Q Okay. So there -- is likely that there was --

12 that there was no damage.

13 A I don't know if it's likely because it did go

14 down that embankment and had to go over a curb to get

15 there. It was a four-door sedan.

16 Q All right. And did you let any officer on the

17 scene know that you have been in communication with his

18 parents?

19 A Yes, ma'am.

20 Q Who did you let know that he -- you had been

21 in communication with his parents?

22 A I put that out over the radio when I was

23 responding Code 3, lights and sirens to -- to the scene,

24 that I had been in communication with his parents, and I

25 knew that's more likely than not that was Paul Cantu. I

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1 in your head; is that right?

2 MR. BARTON: Object to the form.

3 BY MS. LEWIS:

4 Q You know, before you answer that, just so --

5 just so you understand, we have deposed every single

6 officer on that scene up to this point. You're the last

7 officer that we've deposed. We've already talked to

8 Officer Joseph about this incident and what he's relayed

9 over the radio. We talked to the other officers as well

10 that arrived on the scene and what they've heard on the

11 radio. So your representation here under penalty of

12 perjury is that Sergeant Joseph represented what on the

13 -- over the radio exactly?

14 MR. BARTON: Objection to the form.

15 BY MS. LEWIS:

16 Q You can answer.

17 A I know -- I know that I heard that he had a

18 firearm.

19 Q Okay.

20 A That's why I was so sure that I heard over the

21 radio.

22 Q Okay. All right. And was there anything else

23 that you heard over the radio?

24 A I don't recall. I know that there was ongoing

25 reports like -- like, I know that based on my experience

<p style="text-align: right;">Page 61</p> <p>1 as a police officer that he was not detained, right?</p> <p>2 When there's a subject with a firearm on scene --</p> <p>3 Q I just want to know -- yeah.</p> <p>4 I just want to know what else you heard on the</p> <p>5 radio, and we can get into that afterwards, but what</p> <p>6 else did you hear over the radio?</p> <p>7 A I don't remember exactly what else I heard on</p> <p>8 the radio.</p> <p>9 Q Okay. Fair enough.</p> <p>10 What else did you relay over the radio?</p> <p>11 MR. BARTON: Objection to form.</p> <p>12 THE WITNESS: I believe I said that his</p> <p>13 name was Paul Cantu.</p> <p>14 MS. LEWIS: Okay.</p> <p>15 BY MS. LEWIS:</p> <p>16 Q Okay. Is it -- is there a possibility you did</p> <p>17 not tell anybody that his name was Paul Cantu?</p> <p>18 A No, I told -- I went over the radio and said</p> <p>19 that his name was Paul Cantu.</p> <p>20 Q Okay. Is there any sort of requirement that</p> <p>21 anybody acknowledge what you've said over the radio?</p> <p>22 A No, there's not any requirement. We try to</p> <p>23 keep radio traffic to a minimum when it's a critical</p> <p>24 incident like this.</p> <p>25 Q Okay. Because no other officer stated that</p>	<p style="text-align: right;">Page 62</p> <p>1 they knew his name at all. Not one other officer on the</p> <p>2 scene stated that they knew that his name was Paul</p> <p>3 Cantu, but that's contrary to what you're representing</p> <p>4 that you relayed over the radio that his name was Paul</p> <p>5 Cantu, correct?</p> <p>6 A Sure, that would be contrary to what I'm</p> <p>7 saying. I'm assuming that there are radio records or</p> <p>8 recordings of the radio traffic that would verify that I</p> <p>9 put that over the radio. Whether they heard it or not,</p> <p>10 there's a lot going on, so I don't know if they heard it</p> <p>11 or not.</p> <p>12 Q Okay. Okay. All right.</p> <p>13 Are you aware that after Paul Cantu was shot</p> <p>14 and transported to the hospital that he was admitted as</p> <p>15 a John Doe?</p> <p>16 A I've been told that. I didn't know that that</p> <p>17 happened initially.</p> <p>18 Q Okay. And as a result of him being admitted</p> <p>19 as a John Doe, his parents were not contacted and made</p> <p>20 aware that their son was in surgery in the hospital</p> <p>21 fighting for his life. Were you aware of that?</p> <p>22 A I was not aware whether they were contacted or</p> <p>23 not. I know that I told somebody on scene after the</p> <p>24 shooting happened that I had been in contact with the</p> <p>25 parents, and that I had their contact information so</p>
<p style="text-align: right;">Page 63</p> <p>1 someone else could contact them and tell them that their</p> <p>2 son was at the hospital.</p> <p>3 Q Why didn't you contact them and let them know</p> <p>4 that we had found your son and he has been shot, and</p> <p>5 he's on his way to the hospital after you've been on the</p> <p>6 phone with them for over an hour, speaking to them in a</p> <p>7 condescending, accusatory manner for such a long time,</p> <p>8 to give them the courtesy to understand and know that</p> <p>9 their son was fighting for his life. Is there a reason</p> <p>10 why you did not call them?</p> <p>11 A Yes, ma'am.</p> <p>12 MR. BARTON: Object to the form. That's</p> <p>13 pretty much a compound question and lots of -- lots of</p> <p>14 parts to it, so I object the form's improper but go</p> <p>15 ahead and answer it.</p> <p>16 THE WITNESS: I didn't contact them</p> <p>17 because I was a witness to an officer-involved shooting.</p> <p>18 I was instructed to sit in my car and not contact or</p> <p>19 communicate with anybody. I, furthermore, gave that</p> <p>20 information, the contact information to someone else on</p> <p>21 scene, and entrusted them that maybe they would call</p> <p>22 them.</p> <p>23 That was not a decision for me to make as</p> <p>24 an officer. That was a decision for a supervisor or</p> <p>25 internal affairs detective or someone else to make.</p>	<p style="text-align: right;">Page 64</p> <p>1 BY MS. LEWIS:</p> <p>2 Q All right. So let's talk about that then.</p> <p>3 Who was it that you gave the information to and asked</p> <p>4 him to call the Cantus about their son fighting for his</p> <p>5 life?</p> <p>6 A I don't remember.</p> <p>7 Q Of course.</p> <p>8 MR. BARTON: Objection to form.</p> <p>9 BY MS. LEWIS:</p> <p>10 Q Beirowski -- Officer Beirowski or sergeant --</p> <p>11 sorry, Sergeant Beirowski, can you tell me about this</p> <p>12 new information that you're providing today about you</p> <p>13 being a witness to the shooting? Tell me about what you</p> <p>14 witnessed, please?</p> <p>15 A This isn't new information. I gave a</p> <p>16 statement that night.</p> <p>17 Q You saw the shooting.</p> <p>18 A I saw officer -- I saw Paul Cantu get shot,</p> <p>19 yes.</p> <p>20 Q Who did you see shoot Paul Cantu?</p> <p>21 A I didn't see anybody shoot Paul Cantu, and</p> <p>22 that was obstructed from my field of vision.</p> <p>23 Q Okay. So were you an ear witness?</p> <p>24 A Excuse me?</p> <p>25 Q Were you a earwitness seeing that you weren't</p>

<p style="text-align: right;">Page 65</p> <p>1 an eyewitness?</p> <p>2 A No, I saw Paul Cantu get shot.</p> <p>3 Q But you don't know who shot him.</p> <p>4 A That's correct. I did not see who shot him.</p> <p>5 Q Okay. Where were you when you saw him get</p> <p>6 shot?</p> <p>7 A I was either still in my vehicle or just</p> <p>8 exiting my vehicle about 50 yards down the road of the</p> <p>9 embankment.</p> <p>10 Q And you're the one who told the officers where</p> <p>11 Paul was based on what his parents told you where he</p> <p>12 was, correct?</p> <p>13 A Yes, ma'am.</p> <p>14 Q And did you see Paul pointing a gun at anyone?</p> <p>15 A No, ma'am.</p> <p>16 Q Okay. When you saw him get shot, at what</p> <p>17 point did you see him being shot?</p> <p>18 A I literally pulled up. He was standing. I</p> <p>19 heard gunshots, and he was down.</p> <p>20 Q Okay. So you saw him standing. You never saw</p> <p>21 him on his knees?</p> <p>22 A I believe he was standing. I don't remember.</p> <p>23 Q Okay. So you saw him being shot by -- did you</p> <p>24 see where the gunfire was coming from?</p> <p>25 A Not exactly.</p>	<p style="text-align: right;">Page 66</p> <p>1 Q What do you mean not exactly?</p> <p>2 A I told you that my view was obstructed of</p> <p>3 where the officers were, so I didn't see where the</p> <p>4 gunfire was coming from.</p> <p>5 Q So the answer is not really "not exactly," the</p> <p>6 answer is no, you didn't; is that more appropriate</p> <p>7 answer?</p> <p>8 MR. BARTON: Objection to form.</p> <p>9 THE WITNESS: What was the question?</p> <p>10 BY MS. LEWIS:</p> <p>11 Q Did you see where the gunfire was coming from?</p> <p>12 And you said not exactly. And I want to know, is that</p> <p>13 your actual answer or do you -- did not exactly or is it</p> <p>14 you did not see it at all?</p> <p>15 A I didn't see muzzle flashes from firearms</p> <p>16 being fired because they were obstructed from the view -</p> <p>17 - from my view by other patrol cars. I believe I know</p> <p>18 where the shots came from because I know where the</p> <p>19 officers were located. I didn't see that -- see it</p> <p>20 actually happen.</p> <p>21 Q Okay. Where were the officers located?</p> <p>22 A They were down in the ditch.</p> <p>23 Q Where?</p> <p>24 A They were down in the ditch on the other side</p> <p>25 of their patrol cars.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q Which patrol cars?</p> <p>2 A I don't know. There were many patrol cars</p> <p>3 there.</p> <p>4 Q Okay. So did you see it or not?</p> <p>5 A Ma'am, I just explained it to you.</p> <p>6 Q No, you just said I don't know.</p> <p>7 A I saw him go down. I heard gunshots. I knew</p> <p>8 more or less where the officers were, but I did not see</p> <p>9 the officers.</p> <p>10 Q Okay. You said you saw him go down, meaning</p> <p>11 that he fell from the shot, correct?</p> <p>12 A Yes, ma'am.</p> <p>13 Q Okay. And you said that you did not see any</p> <p>14 muzzle flashes, correct?</p> <p>15 A Yes, ma'am. Because I couldn't see the</p> <p>16 officers.</p> <p>17 Q Okay. But you knew where the officers were.</p> <p>18 And when you say that you mean just down in the ditch;</p> <p>19 is that right?</p> <p>20 A More or less?</p> <p>21 Q Okay. Explain what you mean when you say more</p> <p>22 or less.</p> <p>23 A I told you before I couldn't see exactly where</p> <p>24 they were.</p> <p>25 Q When you say more or less it makes me believe</p>	<p style="text-align: right;">Page 68</p> <p>1 there might be more or less and I want to know what you</p> <p>2 mean by that.</p> <p>3 A That there might be more or less officers.</p> <p>4 Q No. You said that you knew where the officers</p> <p>5 were. And I asked you, did you mean down in the ditch?</p> <p>6 And you said, more or less.</p> <p>7 A I don't know how far down into the ditch they</p> <p>8 were.</p> <p>9 Q Okay. Were you allowed to go to the hospital</p> <p>10 with Mr. Cantu, Paul Cantu?</p> <p>11 A I did not go to the hospital.</p> <p>12 Q Why not?</p> <p>13 A Because I was a witness to an officer-involved</p> <p>14 shooting and I was --</p> <p>15 Q So none of the --</p> <p>16 A -- instructed to stay in my patrol vehicle.</p> <p>17 Q Okay. So none of the officers that were</p> <p>18 witnesses should have gone to the hospital with Paul</p> <p>19 Cantu since you weren't able to based on your being a</p> <p>20 witness, correct?</p> <p>21 A I believe so. I don't know. I don't know if</p> <p>22 they would have allowed other officers to. I know that</p> <p>23 I was instructed to stay in my patrol car because I was</p> <p>24 a witness to an officer-involved shooting.</p> <p>25 Q Okay. All right. Now when you're -- you said</p>

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1 that you pulled up to the scene right before the
 2 shooting --
 3 A I'm sorry. I think you just cut out.
 4 Q Can you hear me?
 5 A I can hear you now.
 6 Q Okay. You said that you pulled up to the
 7 scene right before the injury -- right before Paul was
 8 shot. What type of vehicle were you driving?
 9 A I was driving a marked patrol vehicle. I
 10 believe it was a Ford Taurus. It could have been an
 11 SUV. I believe was a Ford Taurus.
 12 Q All right. Did your vehicle have a dash cam?
 13 A Yes, ma'am.
 14 Q Okay. Was it on and working that day?
 15 A Yes, ma'am.
 16 Q Okay. All right. And do you know if that
 17 video was collected?
 18 A I don't know one way or another for sure. I'm
 19 assuming it was.
 20 Q Tell me how you go about collecting the dash
 21 cam video or how the department goes about collecting
 22 the dash cam video at the end of a shift.
 23 A At the end of a standard shift, there's a Wi-
 24 Fi connection in the parking lots, and we put the dash
 25 camera into upload mode, and it uploads wireless.

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1 minutes before the -- I learned that they had located
 2 Paul Cantu. It was 1:26 or something like that a.m.
 3 Q What time was on that timestamp?
 4 A I believe it was around 1:26 a.m.
 5 Q Okay. And what was the timestamp on the
 6 actual footage that you were referencing?
 7 A That's six hours, 7:26 a.m.
 8 Q And so it's your representation that you last
 9 spoke to the Cantus at 1:26 a.m.?
 10 A Approximately.
 11 Q Were you doing anything else -- well, let me -
 12 - let me just back up. And I'm going to go a little bit
 13 further back into the beginning of the night or the day.
 14 When Paul -- when you are alleging that Paul
 15 Cantu -- when you're alleging that Paul Cantu was
 16 evading, what were you trying to stop him for?
 17 A Traffic infraction was failure to stop at a
 18 designated point, at a red light.
 19 Q So he ran a red light?
 20 A That's a -- that's a different offence but I
 21 could have charged him with that as well.
 22 Q Okay. So at the end of the day, the Austin
 23 Police Department was looking for somebody who ran a red
 24 light and didn't stop for a -- the officer if it were --
 25 if it were, in fact, Paul Cantu this entire time,

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1 Q Okay. Was that the case back in 2019?
 2 A Yes, that's the -- that's how the practice
 3 worked in 2019.
 4 Q Okay. And is that the same way that the body
 5 camera footage is collected?
 6 A No, body cameras are docked on a physical
 7 docking station.
 8 Q Okay. Now on the night of this incident you
 9 stated to Mrs. Cantu, Mr. and Mrs. Cantu that you were
 10 not going to be able to call them back because your
 11 shift was over, and you will be leaving. What time did
 12 you -- was your shift supposed to end?
 13 A I believe it was midnight.
 14 Q Okay. And what time did -- this incident
 15 happened at about 1 p.m. -- excuse me. 1 a.m., correct?
 16 A I believe the shooting happened shortly after
 17 1:40 a.m.
 18 Q So why were you still on shift?
 19 A I was still on my shift because I was
 20 finishing my report and I had been talking to the Cantus
 21 for over an hour, hour and a half combined.
 22 Q But that was -- that was before your shift was
 23 over that you were talking to the Cantus, correct?
 24 A I looked at the timestamp for the last call
 25 that I had with Ms. Cantu and that was approximately 14

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1 correct?
 2 A The reason why we were looking for him at the
 3 end of the night was to check his welfare.
 4 Q And he died at the end of the night.
 5 MR. BARTON: Object to the form.
 6 BY MS. LEWIS:
 7 Q All right. So did you talk to Officer Medrano
 8 about this -- I'm sorry. The dispatcher as it relates
 9 to the person who supposedly was evading you from the
 10 traffic stop that you were trying to initiate?
 11 A I don't know what you're referring to.
 12 Q There's a dispatcher that made everyone aware
 13 that there was a mistake in the -- well, I won't say
 14 everyone, but made you and Medrano aware there was a
 15 mistake in the vehicle that was being located; isn't
 16 that true?
 17 A I don't know what you're talking about.
 18 Q Okay. Hang on one moment. I will -- I will
 19 get that dispatcher's information.
 20 All right. And while I'm looking -- while I'm
 21 looking at -- can you tell me when you became a
 22 sergeant?
 23 A It was September of last year, 2022.
 24 Q Okay. And how did you become a sergeant?
 25 A I took a promotional exam.

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1 Q Were you -- was it recommended that you take
 2 the exam by anyone?
 3 A I had a lot of people say that I would have
 4 been a good sergeant and encouraged me to take the exam.
 5 It does not require a recommendation by anybody. Like,
 6 a formal recommendation.
 7 Q Okay. Were you -- is it standard for an
 8 officer to speak with citizens the way that you spoke
 9 with Mr. and Mrs. Cantu on the day that their son died
 10 for over an hour, on the phone?
 11 MR. BARTON: Object to the form.
 12 THE WITNESS: I don't understand what
 13 you're referring to. I spoke with them over an hour and
 14 a half, period.
 15 BY MS. LEWIS:
 16 Q Yes. Is that standard?
 17 A Yes, I would talk to many people like I talked
 18 to them. I don't think that there was anything out of
 19 the ordinary with how I talked to them.
 20 Q All right. So that's ordinary the way you
 21 talk to them, for yourself or for the Austin police
 22 officers.
 23 A I would say for police officers in general. I
 24 know that at the beginning of the conversation, I
 25 assumed a more interrogatory stance with pointed

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1 them as a suspect. It wouldn't be in that order,
 2 correct?
 3 MR. BARTON: Object to the form.
 4 THE WITNESS: That was a very confusing
 5 question. I don't understand what you're asking.
 6 MS. LEWIS: Okay.
 7 BY MS. LEWIS:
 8 Q So you just pointed out that you took -- you
 9 took the route of first interrogating, questioning these
 10 individuals as suspects or Mr. Cantu particularly as a
 11 suspect, and then you decided to treat them as concerned
 12 parents; is that right? Am I right about that?
 13 A It wasn't a simple decision. I based both of
 14 those -- both of the ways that I addressed Roberto Cantu
 15 based on the information that I had at the time. I
 16 didn't have any reason to believe that he should have
 17 been a concerned parent at the beginning of the
 18 conversation.
 19 Q You didn't (indiscernible - audio disruption)
 20 Roberto Cantu was a concerned parent at the beginning --
 21 A I think you just cut off just now.
 22 THE REPORTER: Ms. Lewis.
 23 MS. LEWIS: I'm here. I'm here.
 24 THE REPORTER: Yeah, I'm sorry. Your
 25 question cut off. I don't think we heard your question.

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1 questions. I did not want to share all of the
 2 information that I had at the time because I was
 3 considering Roberto Cantu as a suspect in an -- in an
 4 incident where a vehicle evaded. The end of the --
 5 Q A suspect for what? So we're clear.
 6 What do you mean that Roberto --
 7 MR. BARTON: Object to the form. I think
 8 he was finishing his answer, and so let him finish his
 9 answer, please and you can go ahead and follow up.
 10 MS. LEWIS: Sure. Sure. Sure.
 11 THE WITNESS: During the second portion
 12 of the conversation, I addressed them not as suspects
 13 but as concerned parents who are worried about their
 14 child. I think that in both of those situations this is
 15 how a police officer would generally talk to either a
 16 suspect or a concerned parents.
 17 BY MS. LEWIS:
 18 Q So is the police officers generally, it's
 19 their position to accuse first and disregard a concerned
 20 parent's -- sorry.
 21 They would disregard or address a person as a
 22 worried -- concerned parent first, treat a person as
 23 suspect, and then a concerned parent after the fact not
 24 vice versa. Concerned parent first, find out what's
 25 going on, and then if that doesn't make sense, treat

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1 Could you repeat it, please?
 2 MS. LEWIS: Okay. Sure.
 3 THE REPORTER: Thank you.
 4 BY MS. LEWIS:
 5 Q So you had no reason to believe from the
 6 beginning of the conversation when you called the Cantus
 7 that they were concerned parents? There was -- they
 8 gave you no reason to believe that at the beginning of
 9 that phone call?
 10 A They made statements that indicated that they
 11 were concerned. However, based on the information that
 12 I had, and the fact that I didn't believe that a lot of
 13 their statements made logical sense, they seemed like
 14 evasive answers to me rather than pure concern for their
 15 child.
 16 I had an officer as an eyewitness to -- that
 17 had identified Roberto Cantu as the driver and
 18 therefore, it would be not uncommon for a suspect of a -
 19 - of a crime to make evasive statements or to try to
 20 deflect the attention towards a different issue.
 21 Q You were 100 percent wrong; weren't you?
 22 MR. BARTON: Object to the form.
 23 THE WITNESS: It's correct that I don't
 24 believe that Roberto Cantu was the driver.
 25 BY MS. LEWIS:

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1 Q Right. And you were 100 percent wrong about
 2 these -- the Cantus not being concerned parents,
 3 correct?
 4 MR. BARTON: Object to the form.
 5 THE WITNESS: No, I believe they were
 6 concerned parents.
 7 BY MS. LEWIS:
 8 Q Right. So that means you were 100 percent
 9 wrong about them not being concerned parents, correct?
 10 A At the beginning of the conversation, yes. At
 11 the end, I understood that they were concerned parents,
 12 and I treated the call as a request to locate for
 13 concerned parents. I did a lot more than a lot of other
 14 officers would typically do by sending officers to
 15 multiple locations, very generic locations to attempt to
 16 find their son.
 17 Q I have to give you that, Officer Beirowski. I
 18 do have to commend you for that aspect of things you
 19 did, at least decide to change your course, and you
 20 weren't adamant about remaining in that position. I do
 21 have to give you that credit.
 22 My concern is that with all the time that you
 23 spent with them that they were never made aware that
 24 their son was dying as you knew that they were concerned
 25 parents to the level they were -- about their son, and I

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1 THE REPORTER: We are back on the record.
 2 The time is 11:01 p.m., Eastern Time.
 3 MS. LEWIS: Okay. Okay. And excuse me,
 4 Sergeant Beirowski, what I'm going to do is I'm going
 5 to, like, hear a portion of Sergeant Medrano's -- excuse
 6 me. Officer Medrano's body cam footage speaking to the
 7 dispatcher that I was referencing earlier, and it is
 8 going to be Bate Stamp Number COA018ORR_AP4883 Ricardo
 9 Medrano and the relevant section here is going to be
 10 from timestamp starting at -- okay. It's going to be
 11 8:30:09.
 12 So I'm going to go ahead and play it from
 13 a different device while it's uploading to the -- you
 14 guys please tell me if you can hear it or not. And I'll
 15 adjust accordingly.
 16 Are you -- are you all able to hear it?
 17 MR. BARTON: No.
 18 MS. LEWIS: Okay. So you don't hear any
 19 sound at all?
 20 MR. BARTON: No.
 21 MS. LEWIS: Give me one moment.
 22 (Video playback.)
 23 MS. LEWIS: Can you hear that?
 24 MR. BARTON: No, it's nothing but a bunch
 25 of static.

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1 understand that you had -- you had a command that you're
 2 not to call them or talk to them. Do you -- can you
 3 tell me who it was that gave you that command not to
 4 call or talk to them?
 5 A I believe it was -- is he a lieutenant? I
 6 think it was Lieutenant Jobs (phonetic) to not talk --
 7 not specifically them but not to talk to anybody.
 8 Q Did you tell --
 9 A I know it was Jobs. I don't remember if he
 10 was a lieutenant at the time. I believe he was.
 11 Q Did you tell Lieutenant Jobs about the fact
 12 that you had been in communication with them, and that
 13 they were really concerned parents?
 14 A I don't remember who it was I told, but I
 15 definitely did tell somebody that because I thought that
 16 their son may very well die, and I wanted them to be
 17 able to be there with him and to know what was going on.
 18 Q Okay. All right.
 19 MS. LEWIS: Can we just go ahead and take
 20 another break. I'm going to get ready to wrap this up
 21 and I just want to talk to the Cantus first before I do,
 22 and then we'll be ready to end this.
 23 THE REPORTER: Okay. It is 10:32 p.m.,
 24 and we are off the record. Thank you.
 25 (Off the record.)

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1 MS. LEWIS: Hang on.
 2 Okay. I'm going to try -- are you guys
 3 able to hear that audio?
 4 (Video playback.)
 5 THE REPORTER: No.
 6 MS. LEWIS: No? Okay. I don't know what
 7 exactly I can do if you guys can't even hear it from
 8 this external speaker. It seems like it's something in
 9 this actual system that's causing it not to be heard,
 10 and I don't know how to work around that. So let's --
 11 THE REPORTER: Okay. Is there a status
 12 on the -- on it uploading to your exhibits?
 13 MS. LEWIS: It doesn't give me a time but
 14 there's -- it looks like there's a little, I guess
 15 (indiscernible - audio disruption) that shows it's a
 16 little over halfway loaded.
 17 Maybe if I -- maybe if I do something
 18 with this mic, maybe that'll make it -- let me see.
 19 Yeah.
 20 (Video playback.)
 21 BY MS. LEWIS:
 22 Q Can you hear that?
 23 A Yes, ma'am.
 24 Q Okay. Great. I did -- so that did work.
 25 Officer -- excuse me.

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1 Sergeant Beirowski, can you tell me who --
 2 what is Frank 508?
 3 A That was my call sign at the time of this
 4 incident. It's the name that we use. That was my name
 5 on the radio.
 6 Q Okay. And what's your name now on the radio?
 7 A Training 91.
 8 Q Training 91.
 9 A Correct.
 10 Q Are you a training sergeant now?
 11 A Yes, ma'am.
 12 Q Okay. All right. One moment, please.
 13 I'm going to go ahead and since you can hear
 14 it, play it now.
 15 (Video playback.)
 16 BY MS. LEWIS:
 17 Q Who is Frank 790? Do you know who that would
 18 be?
 19 A Frank 790?
 20 Q Yes.
 21 A That's Sergeant Joseph.
 22 Q Okay.
 23 A Yes, that's Sergeant Joseph.
 24 (Video playback.)
 25 BY MS. LEWIS:

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1 footage. He was talking to a dispatcher in that and he
 2 stated the -- there was a -- there were two different
 3 vehicles, two different calls associated -- or cars,
 4 excuse me. Associated with this call that Medrano and
 5 the dispatcher is discussing. Did you notice that?
 6 A I didn't personally notice it. I remember --
 7 I don't remember if -- if it was when I was still on
 8 scene or, like, a day afterwards or it might have been
 9 later that night when I was giving my formal statement
 10 to the special investigations unit that there was
 11 confusion about two cars, two different license plates,
 12 and whether this was or was not, like, Paul Cantu's car.
 13 Q Okay. (Indiscernible - audio disruption) one
 14 of the things I wanted to discuss with you, and that
 15 never was actually clarified; is that right?
 16 A Yeah, I don't really know how that happened or
 17 what the deal was with that.
 18 Q Okay. But you -- any officer on the field,
 19 they're able to connect dispatch calls together; is that
 20 accurate from what I'm understanding?
 21 Just correct me if I'm wrong. I don't know.
 22 I'm really asking --
 23 A Dispatch can -- is the only one who can do
 24 that.
 25 Q Okay.

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1 Q You heard them talking about you duping them.
 2 Do you -- or duping them. Do you know what that means?
 3 A We use the terminology to dupe a call or
 4 duping calls to basically link them, like, my evading
 5 motor vehicle call for the traffic stop was one
 6 incident, and the request to locate Paul Cantu was
 7 probably a different incident. I think I recreated a
 8 different call for that.
 9 So they're probably talking, I'm speculating
 10 here, because I'm not really sure on the context of that
 11 -- that conversation, but if you're talking about duping
 12 calls, I'm imagining that they're talking about duping
 13 those two calls.
 14 Q Okay.
 15 A Combining them. Linking them basically so
 16 that when some -- one person is looking at the request
 17 to locate call, they'll see the case number for my
 18 evading motor vehicle call and the notes.
 19 Q Got it. Okay. And I'm just going to do this
 20 again.
 21 (Video playback.)
 22 BY MS. LEWIS:
 23 Q I think that was the end of that -- of that
 24 section that I wanted you to hear.
 25 So that was Officer Medrano's body cam

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1 A Officers in the field can't. They can, like,
 2 put a call note in, manually type it in and say,
 3 reference this case number, but they can't actually
 4 combine two calls. Only dispatch can do that.
 5 Q Okay. Thank you. All right.
 6 Did you, officer -- excuse me. Sergeant
 7 Beirowski, were you aware of any apike strips being used
 8 at the scene there (indiscernible - audio disruption)
 9 officers?
 10 A No, ma'am.
 11 Q Okay. Were you ever allowed to discuss this
 12 incident with anyone?
 13 A No, ma'am. I was given a do not discuss
 14 order.
 15 Q Okay. Is that do not discuss order still in
 16 place?
 17 A Yeah, I believe so. Yeah, they -- the
 18 department has a habit of never really lifting those
 19 even if the case has been completed or whatever.
 20 Q Okay.
 21 A There are officers who had gotten a do not
 22 discuss 20 years ago who still have one.
 23 Q Got it. Okay. All right.
 24 MS. LEWIS: I believe that's all we have
 25 for officer -- excuse me, for Sergeant Beirowski. Thank

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1 you for staying up and spending this time and also
 2 rescheduling this deposition. I appreciate that. The
 3 Cantus really needed to hear from you, and I think that
 4 they appreciate at least your showing up for this.
 5 THE WITNESS: You're welcome. Okay.
 6 MS. LEWIS: I passed the --
 7 MR. BARTON: Can I have a word with my --
 8 in private quick?
 9 MS. LEWIS: Sure. We'll go off the
 10 record for just a moment.
 11 THE REPORTER: Okay. The time is 11:15
 12 p.m., Eastern Time and we are off the record.
 13 (Off the record.)
 14 THE REPORTER: We are back on the record.
 15 It is 11:17 p.m., Eastern Time.
 16 MR. BARTON: Okay. Have you -- do I
 17 understand correctly that you have tendered the witness?
 18 MS. LEWIS: I have, but one final thing
 19 really quick, that last exhibit is uploaded here and
 20 that is the -- that's the exhibit with Sergeant
 21 Medrano's body worn camera and I would like to make that
 22 a part of the record as well. But other than that, yes,
 23 I've had --
 24 THE REPORTER: If you want to -- if you
 25 can share it and then I will stamp it.

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1 The time is 11:19 p.m., and we are off
 2 the record.
 3 (Proceedings concluded at 11:19 p.m.)
 4 (Read and Sign requested.)
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1 MS. LEWIS: Sure. Okay.
 2 THE REPORTER: You want it stamped
 3 Exhibit 1?
 4 MS. LEWIS: Actually, that would be
 5 exhibit -- yeah, that could be Exhibit 1. Yes.
 6 THE REPORTER: Okay. Give me one second.
 7 I need to do a screenshot of it because it's a video.
 8 MS. LEWIS: Okay. Sure.
 9 THE REPORTER: Okay. Got it.
 10 (Exhibit 1 marked for identification.)
 11 MS. LEWIS: All right. Thank you.
 12 Okay. Yes, I'm passing it now.
 13 MR. BARTON: I have no questions at this
 14 time. So yeah, no questions.
 15 THE REPORTER: Okay. Prior to going off
 16 the record, I need to confirm transcript orders.
 17 Ms. Lewis, will you be purchasing the
 18 original?
 19 MS. LEWIS: Yes.
 20 MR. BARTON: And Mr. Barton, will you be
 21 purchasing a copy of the transcript?
 22 MR. BARTON: Correct. We want to copy
 23 and then also the option to read and sign.
 24 THE REPORTER: Okay. All right. The
 25 exhibits are closed.

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1 CERTIFICATE OF NOTARY PUBLIC
 2
 3 State of New Jersey)
 4 County of Burlington)
 5
 6 I hereby certify that on the 26th day of July 2023,
 7 before me, a RON notary public for the State of New
 8 Jersey, JACOB BEIROWSKI remotely appeared via
 9 videoconference, and prior to testifying, swore an oath,
 10 to tell the truth.
 11
 12 DATED this 26th day of July 2023.
 13
 14
 15 _/s/ Susan LaPooh _____
 16 Susan LaPooh
 17 RON Notary Public, State of New
 18 Jersey
 19 Commission No.: 50101627
 20 Commission Expiration: 3/26/2024
 21
 22
 23
 24
 25

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1 CERTIFICATE OF REPORTER
 2
 3 I, Evie Heffner, hereby certify:
 4 That the foregoing proceedings were taken
 5 before me at the time and place therein set forth;
 6 That the proceedings were recorded by me and
 7 thereafter formatted into a full, true, and correct
 8 transcript of same;
 9 I further certify that I am neither counsel
 10 for nor related to any parties to said action, nor in
 11 any way interested in the outcome thereof.
 12
 13 DATED, this 18th day of August 2023.
 14 
 15 _____
 16 Evie Heffner, CER-2084
 17 Court Reporter
 18
 19
 20
 21
 22
 23
 24
 25

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1 ACKNOWLEDGEMENT
 2
 3 I do hereby certify that having been first
 4 duly sworn to testify to the truth, I gave the above
 5 testimony on this 26th day of July, 2023.
 6
 7 I further certify that the foregoing
 8 transcript is a true and correct transcript of the
 9 testimony given by me at the time and placed specified.
 10
 11
 12 _____
 13 JACOB BEIROWSKI
 14
 15 Sworn to before me this ___ day of _____, 20__
 16
 17 _____
 18
 19 Notary Public
 20
 21
 22
 23
 24
 25

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ERRATA SHEET

Deponent: JACOB BEIROWSKI
 Deposition Date: Thursday, July 26, 2023
 PAGE LINE CHANGE FROM/TO REASON FOR CHANGE

Under penalties of perjury, I declare that I have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

 JACOB BEIROWSKI Date
 Sworn to before me this ___ day of _____, 20__

 Notary Public

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EXHIBIT K

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