

1 would have, in theory, had the same training that you
2 have?

3 A. Sure. . If you're trying to get me to admit I'm
4 not an expert, I'll leave it to the judge. I think that
5 I know a lot about these areas. As in every trial, the
6 judge has to qualify me. I'll leave it at that.

7 You know my background and experience. You
8 haven't seen my CV. I think, perhaps, it's best that
9 you look at that and we can circle around on what I
10 know.

11 Q. Absolutely.

12 All right. So going back to the facts of this
13 case, you're saying that you didn't believe there was
14 probable cause to make an arrest that night?

15 A. There may have been probable cause to make an
16 arrest. I don't believe they had a warrant to go into
17 the home, which they knew that they were going to have
18 to do, because apparently they called him, and he said
19 I'm leaving it to my lawyer to handle it and I'm not
20 coming to you.

21 The alternative in showing up there would have
22 been to break into this house, and that would have been
23 patently illegal.

24 Q. You know -- and you agree the police were not
25 the ones that actually broke into the house, correct?

1 A. I think they facilitated it. I would say -- I
2 would say that they were in collaboration with this
3 young lady. They brought her there, you have to
4 remember this.

5 Q. So do you think they brought her there so she
6 would break into the house for them?

7 A. I don't know if they thought they were going
8 to break in, but she certainly made it clear that she
9 was. She asked if she could and they said go ahead.

10 Q. That was because the police thought she lived
11 there, correct?

12 MR. BROSS: Object to the form of the
13 question.

14 THE WITNESS: I don't know exactly what they
15 thought. That's certainly what they said. But if
16 they did think she lived there, it was a shoddy
17 piece of police work because she didn't.

18 BY MR. REID:

19 Q. All right. Well, moving on now to when
20 they're breaking in. Tell me -- I interrupted you
21 awhile ago. Bringing her there you think is wrong.
22 Letting her break into the house you thought was wrong.
23 Letting her break in the house, do you believe there is
24 any criminal act there?

25 A. On her part?

1 Q. On anyone's?

2 A. Sure.

3 Q. Who?

4 A. Certainly hers. Like I said, at the very
5 least we have criminal mischief, breaking into property
6 that she doesn't own. If she wants to declare -- and
7 this is where I think it gets fuzzy. Even for some
8 police officers, when you're dealing with [REDACTED]s,
9 which we have to deal with all the time, there are
10 certain rights that residents have. They can't just be
11 tossed into the street.

12 If you can show that they live there -- and
13 that's usually done by looking at something like, are
14 your clothes there, do you get mail there, those kind of
15 things -- that still does not provide you property
16 rights. That's just residence rights. Those are very
17 different things.

18 If she's a resident inside this home, she has
19 no right to break in the house. She doesn't own it.
20 Her name's not on the mortgage or the lease or whatever
21 the case may be.

22 By the way, you can check that as well. It's
23 not that difficult for law enforcement to actually go to
24 the clerk of the court and find out who owns this piece
25 of property. She's not on it. And you're going to let

1 her kick a window in without that simple investigative
2 step on your laptop in your car?

3 It's offensive to me. It's egregious from a
4 law enforcement trainer's perspective that they would
5 have done that. That puts them in collaboration. They
6 ask can I do it and the officers said, yes, go ahead.
7 And according to him or she -- I'm sorry -- they say,
8 yes, hurry up, we're not sitting here all night.

9 We have, if we really want to, probably a
10 conspiracy amongst the officers and this young lady to
11 not only violate the Constitutional rights -- I realize
12 we're not here on a civil case -- but to commit a
13 burglary.

14 Q. So you think the police are guilty of
15 conspiring to commit a burglary?

16 A. Look, the police aren't on trial, doesn't
17 matter what I think. I can tell you if somebody called
18 me and said we got a couple police that have been
19 arrested for burglary, I could testify to it.

20 Q. Why do you say that?

21 A. For all the reasons I just told you.

22 Q. I mean, what do you think -- I mean, because I
23 guess none of us know what -- the police officers aren't
24 here. No one knows what they truly were thinking. For
25 the sake of argument, the police think she lives there.

1 And she says can I break into my own house, and they
2 said, it's your own house, we can't stop you; would that
3 make them conspiracy to burglary?

4 A. The question goes back to reasonableness. Is
5 it reasonable for a police officer to take somebody's
6 claim -- the claim of, in this case, an intoxicated
7 woman -- that she lives in a particular area without
8 verifying and validating that before giving her
9 permission to enter? The answer is left to a jury.

10 I think it's unreasonable. If I were teaching
11 a course on this particular case, using it as a case
12 study, I would advise in every case to not facilitate
13 this woman's attempt to enter into a house that she
14 doesn't own.

15 Q. All right. Well, what's the next thing you
16 think was improper?

17 A. Well, we start now getting into sort of castle
18 doctrine issues. Now suddenly you have an individual
19 inside of a house. Perhaps he knows or doesn't know
20 who's outside. At 1:30 in the morning, I think
21 reasonable people are alarmed when they see lights and
22 hear noises in their back yard.

23 So we have a penetration of the privilege of
24 the property by the police, by the way, who have no
25 authority to be back there at all. And then suddenly a

1 window comes busting out. I think any reasonable person
2 at that point, if they had a gun, should have responded
3 with a weapon, not knowing what was going on precisely.

4 Q. Does it change your opinion at all if the
5 police were banging on the door yelling, police, come to
6 the door?

7 A. He doesn't have to come to the door. That's
8 the nice thing about being an American. He can stay
9 inside his house and say, do you have a warrant? If
10 they have a warrant, they don't need his physical
11 cooperation, they can go in. But they don't have a
12 warrant.

13 Q. Let's again go to the hypothetical and say the
14 police are banging on someone's door, police, please
15 come to the door, please come to the door; and then the
16 person inside hears a window break, do you think that
17 person inside should come pointing a gun out the door?

18 A. Yes.

19 Q. Even if they think, you know, it is the police
20 outside?

21 A. Well, again, they don't announce that they
22 have a warrant. There is a discussion going on all over
23 the country right now because of cases like this. They
24 are now getting on board and starting to codify this in
25 law that it's okay to shoot the police if they do

1 something like that.

2 I would not like to see that in Florida. But
3 these are precisely the kind of cases that cause the
4 legislature to throw up their arms and say, we can't
5 keep having this.

6 Q. At that point, Mr. Morrison -- and say for the
7 sake of argument -- doesn't know whether or not the
8 police have a warrant. They're banging on the door
9 saying, police, come to the door. And let's just say
10 for a hypothetical, you have a -- same thing. You have
11 a person inside their house. They hear banging on the
12 door. They hear, police, police, come to the door,
13 police, come to the door. If you're a non-lawyer, you
14 probably don't know what are the requirements for the
15 police to come in or not.

16 And then you hear that maybe the police are
17 breaking in, do you think someone should come to the
18 door with a gun?

19 A. Let's talk about the end game, why I'm here.
20 If they had warrant and come with a gun and shoot him,
21 I'm not here, okay? But they don't. And so even though
22 we can make it a hypothetical, I'm here to answer the
23 question of did the officers -- actually, did the
24 defendant in this particular case do the right thing.

25 In this particular case, because I know the

1 end of the story, I have the benefit of hindsight, he
2 did the right thing. He wouldn't know who it was.

3 Q. What about my hypothetical, though?

4 A. I think if you have a search warrant and
5 you're a police officer and you say, search warrant,
6 police, police -- and by the way, this is precisely what
7 happened in the Raible case -- and somebody is standing
8 there with a gun, that they are likely to get shot and
9 that shooting may very well be justified.

10 Q. Are the police, when they come to the door,
11 you would agree they're not required -- bang on the
12 door, then say let me explain the law to you? They can
13 just say, police, open up, right?

14 A. They just better be right.

15 Q. Well, I guess what I'm getting at, you know,
16 in this situation and in my hypothetical, you have the
17 police banging on the door. The end result, if they had
18 a warrant or not -- I mean, Morrison doesn't know that
19 in theory if they have a warrant or not, yet he still
20 came to the door with the gun, correct?

21 MR. BROSS: Object to the form of the
22 question.

23 THE WITNESS: He didn't come to the door, he
24 came to the window, as I understand it. We're not
25 obliged to submit to excessive force on the part of

1 law enforcement by law. Every American citizen has
2 the right not only to protect themselves, not only
3 against others but against the government.

4 I mean, this is a simple Second Amendment
5 question. I don't think you're going to get me to
6 say that what Mr. Morrison did was unreasonable or
7 unlawful under the circumstance.

8 BY MR. REID:

9 Q. So you think if somebody comes -- if the
10 police come into your house and they haven't explained
11 why they're in your house, you can just start firing at
12 them or pull a gun on them?

13 A. No, I didn't say that. What I said, when the
14 smoke clears, they better be right. In this case
15 they're not.

16 Q. Let's take it further. So, I mean, you're
17 saying if they had -- if they had a search warrant, your
18 opinion -- if they had an arrest warrant, he's guilty?

19 A. He's guilty of what?

20 Q. Of assaulting a police officer?

21 A. I think at that point the officer would be
22 standing on reasonable grounds to do what they did. In
23 this case -- I want to talk about what did happen. You
24 want me to talk about what didn't happen.

25 In this particular case, the officers are not

1 standing on solid reasonable ground. They're standing
2 in the back yard. He tells them, get off my property.
3 They stay. They have no authority to stay there. They
4 have no right to stay there. They stay, according to
5 one officer, for 30 to 45 minutes. We don't even really
6 have a crime at this point.

7 Q. You had said earlier that when the dust --
8 smoke cleared, they better be right?

9 A. Yes.

10 Q. So if they had had an arrest warrant and did
11 the exact same thing, Michael Morrison would be guilty
12 of assaulting a police officer?

13 A. I don't know if he would be guilty, but I
14 would say that it would be -- statutorily speaking, he
15 wouldn't have the permission to protect himself against
16 excessive force.

17 Q. All right. Let's move this story along. So,
18 you know, we're in agreement, knock on the front door,
19 go around the back, woman breaks the window, Michael
20 Morrison pulls a gun on the police. That's where we're
21 at right now, correct?

22 A. Yes.

23 Q. You're in agreement that part happened that
24 way?

25 A. As I understand it, yes.

1 Q. Now let's move forward. At that point, now
2 the police have had a gun shoved in their face. What
3 did -- at that point in your training, what would you
4 have told the police they would need to do?

5 A. Well, the police cannot create their own
6 exigencies. You know that. It's the same situation, if
7 I can draw from another common case where a suspect is
8 fleeing in a vehicle and the officer jumped in the
9 roadway to stop it and puts a round through the
10 windshield and declares his life is in danger for being
11 run over.

12 Courts have been very clear on this. You
13 can't create your own exigency. Your task is to get out
14 of the road and let the vehicle pass. You also have the
15 whole balancing act. What is the importance of seizing
16 Mr. Morrison on that night? What is it that's so
17 dangerous to the community that if he's allowed to go
18 another night, that the community is placed in grave
19 danger?

20 That's not the case that we have here. We
21 have a very, very shaky probable cause based on two
22 intoxicated witnesses. It's up to a jury to decide
23 whether or not there even was probable cause. I suspect
24 if they would have got a warrant, perhaps your office
25 would have said, I'm sorry, you need more and stopped

1 that from happening in the first place. They don't do
2 that. This is just understanding sort of the whole
3 background of all of this.

4 When the officers actually get to the
5 property, then they are put on notice by the property
6 owner that he doesn't want them there. Where we might
7 argue that the officers were there to conduct an
8 investigation and they knocked at the door, and he said
9 go away, I don't want to talk to you, it would then be
10 their obligation to leave, and that would be okay.

11 Q. Well, that's not what happened, and I don't
12 think you answered my question. We're in agreement
13 after the window was broken out, Morrison points a gun
14 at the police?

15 A. Yes.

16 Q. At that point, now the police have had a gun
17 pointed in their face. What is your opinion on the
18 right thing -- what should the police have done after a
19 gun was pointed in their face?

20 MR. BROSS: Object to the form of the
21 question, assumes facts not in evidence.

22 THE WITNESS: Retreated, found cover, try not
23 to get shot in the process for putting themselves
24 in a bad place. If they really felt like they
25 wanted to take him because he was such a dangerous

1 individual at 1:30 in his home naked, they could
2 have treated him as a barricaded suspect, called
3 out the Volusia County SWAT team, could have talked
4 him out. They would have a warrant, they would
5 have been on good grounds. They don't do that.
6 They stay feet from the window ducking down behind
7 a hot tub.

8 BY MR. REID:

9 Q. Is that not cover, ducking behind a hot tub?

10 A. They're there for 30 to 45 minutes. He goes
11 wandering around the house. It's time to leave. When
12 you find that you have an opportunity to get more than a
13 couple feet from the window, you take that opportunity.
14 You flee out of the yard, you go back, you consult a
15 supervisor.

16 Look, they could have set up -- they could
17 have brought down a command station down there. They
18 could have wheeled down one of those big trucks they
19 have and sat out there all night and waited for their
20 warrant and smoked him out. I have no problem with any
21 of that, by the way. That's not what they do. They
22 force a gun fight. Actually, it's not a gun fight.

23 Q. You agree they try to get Michael Morrison to
24 put the gun down and come outside?

25 A. Why does he have to do that?

1 Q. That's what I'm asking you. Now at this point
2 they've had a gun put in their face. Are you saying
3 that after the police get a gun pointed in their face,
4 they should say, my bad, have a nice night?

5 MR. BROSS: Object to the form of the
6 questions.

7 THE WITNESS: Yes.

8 BY MR. REID:

9 Q. And you have a guy yelling and screaming at
10 them saying he's going to shoot the police, and they
11 should just leave?

12 A. Yes.

13 Q. And so you think that would have been fine if
14 they just leave?

15 A. Yes.

16 Q. And I guess it comes back to the hypothetical.
17 Say they leave and now he comes back and hurts someone,
18 you don't think the police are in a lot of trouble for
19 leaving a guy waving a gun around yelling?

20 A. Actually, the police have no duty to protect,
21 and I think you probably know that as well.

22 Q. To protect who?

23 A. To protect anyone. There is strong case law
24 on that.

25 Q. Police don't have a duty to protect?

1 A. No.

2 Q. Protect and serve?

3 A. You can take a look at DeShaney versus
4 Winnebago and all the cases associated with that. The
5 police do not have an obligation to protect. It's been
6 looked at by the Supreme Court a dozen times.

7 Q. I just want to be clear. Are you saying the
8 police don't have an obligation to protect the
9 community?

10 A. They actually don't, as odd as that will seem.
11 And perhaps I taught you something today. But there is
12 no obligation -- and we're talking about a
13 Constitutional obligation. If you note that the
14 Constitution speaks very specifically to the ten
15 amendments, those are all stated in the negative, the
16 liberties of people are things that people shall not,
17 shall not do.

18 There is nothing in the Constitution that says
19 the police shall do somebody. It may be a policy issue,
20 but there is no legal obligation to protect. I think
21 that the community would prefer that they protect, for
22 sure. Don't get me wrong, I don't think the police
23 officers are in a position to where any time something
24 bad happens, they should flee from it.

25 First of all, you're giving me another

1 hypothetical. There is no reason to think that Morrison
2 was leaving the house and going on a homicidal rampage.
3 There was no history of that, there was no indication he
4 was going to do that. Here's what he said: Get out of
5 my yard. And if the police would have left, I suspect
6 that Morrison would have went back to bed.

7 Q. Weren't there allegations -- and I don't have
8 the exact quotes in front of me -- but he was saying,
9 I'll effing shoot you or get -- he made threats to shoot
10 the police? And you heard the 9-1-1 call, right, and he
11 made references to shooting the police in that, correct?

12 A. If he would have shot the police, my guess is
13 he would have probably in trial been okay because they
14 were burglarizing his house.

15 Q. Even after -- in -- after the initial -- I
16 guess there is two instances. When he first points the
17 gun because the windows breaks, then after that, he
18 clearly knows the police are there, correct? Because, I
19 mean, you've heard his own statements that, you know,
20 I'm going to shoot the police. He keeps making
21 reference to shooting.

22 The police are in his back yard. Twenty
23 minutes passes before the shooting, at least, if not
24 half an hour, 45 minutes. Say 20 minutes later, you
25 think he still had a right to shoot a police officer in

1 his back yard?

2 A. If he felt that they were using excessive
3 force, by law he can respond to that.

4 Q. What excessive force prior to the shooting did
5 the police use?

6 A. Forced entry. This is the castle doctrine.
7 Forced entry implies that your life is in eminent danger
8 or great bodily harm. In America, we don't have to let
9 the police in our house. If they force their way in
10 without a warrant, then they will be subject to being
11 shot and killed, and the person that does that is
12 actually going to be okay.

13 Q. I mean, I think we can probably both think of
14 plenty of situations -- if the police come in your
15 house, again, you don't have to say we have a warrant?
16 I mean, wouldn't you agree -- you agree to that, right?
17 They can say, police, and they can kick in your door. I
18 mean, there is all different scenarios.

19 A. No. We have a knock and announce requirement
20 that says that you tell them who you are and you have a
21 warrant before you go in.

22 Q. Well, they have to announce who they are?

23 A. They don't have to say they have a warrant?

24 Q. You tell me.

25 A. Yes, they do.

1 Q. In every situation?

2 A. Yeah. That's one of the key questions that we
3 ask: Did you have a warrant?

4 Q. If the police enter a house without a warrant,
5 you're back to, you have a right to shoot them?

6 A. Do you have -- you have a right to shoot them?
7 You have a right to defend yourself against excessive
8 force.

9 Q. In this case, going back to the facts of this
10 case, after the initial gun is pointed out the window,
11 there is a standoff -- you would agree? -- where you
12 have Volusia County Sheriff's Office hostage negotiator
13 trying to get Mr. Morrison to come out, right?

14 A. Right.

15 Q. And you don't think that he had -- at that
16 point, the police had probable cause to have him out of
17 the house?

18 A. No. The standoff was an illusion. There was
19 no probable cause for the officers to be there. They
20 should have either set up on a perimeter, got this --
21 this is all contingent on a warrant. There is no
22 warrant. This is the foundation of American liberty.
23 You must have a warrant to make an arrest. You must
24 have a warrant to go inside somebody's house unless you
25 have exigency, of which the officers describe no

1 exigency at all.

2 Their exigency is self-created. They're
3 standing at a window saying my life is in danger. Well,
4 move out from the window, get out of the road. This is
5 what they don't do. They forced this illusion of a
6 police standoff. It's not a police standoff, it's a
7 police violation.

8 Q. You think -- so say the first officer ducks
9 behind a hot tub, he's -- you know, Morrison has got a
10 gun. We agreed Morrison has a gun, right?

11 A. Yes, I think. I mean, he says he wasn't
12 pointing it at that time. I don't know.

13 Q. But he had a gun. I mean, the police -- it
14 wasn't -- at no point -- I mean, I'm thinking out loud.
15 I think it's -- you think the police should have just
16 walked away, and that would have been the right thing to
17 do, leave the property completely and --

18 A. That's actually the Constitutional requirement
19 you just cited.

20 Q. You don't think it's an exigent circumstances
21 that this guy is yelling and screaming, I'm going to
22 shoot the police, and actually pointed the gun at the
23 police at least once in his back yard?

24 A. Because they're in his back yard and they
25 kicked out his window? No.

1 Q. And you think as a police officer yourself,
2 former police officer, you would feel safe just getting
3 up and walking through a yard when he could have shot
4 them? I mean, he clearly, if someone's got a gun and
5 standing by their back window, could shoot you as you
6 walk through the back yard?

7 A. I think I would take my chances with creating
8 distance than hiding behind a hot tub if I was trying to
9 avoid getting shot. Hot tubs are not cover, they're
10 concealment. They pick concealment is basically what
11 they pick. What they needed to do is create distance,
12 find an oak tree, get farther away. They stay there and
13 challenge him for 30 minutes.

14 Q. To get farther away, you have to expose
15 yourself.

16 MR. BROSS: Objection to the form of the
17 question?

18 THE WITNESS: That's, unfortunately, what
19 police officers do a lot. To respond to a robbery
20 in progress, we expose ourselves. To respond to a
21 domestic violence, we expose ourselves, too.

22 BY MR. REID:

23 Q. But if you're hiding behind a hot tub, you're
24 not exposed?

25 A. I think he knows where you are. I think if he

1 does start firing, I think you're in grave danger. As I
2 indicated, hot tubs are made of plastic and wood. They
3 don't stop bullets.

4 They choose to stay there. I don't think it's
5 for the reason that you think it is. You think it's
6 because they feel they were really well hidden and safe.
7 I think it was because they felt like they had some
8 police authority that they didn't have. And I think
9 they were not going to back off of this situation
10 because for a moment -- I don't know if their faculties
11 were interrupted by stress, something I talk about, but
12 they are in the wrong.

13 They are in somebody's back yard. They've
14 been told to leave and don't have a warrant. They're
15 trespassing. They committed at least criminal mischief
16 or conspired with criminal mischief, perhaps a burglary
17 if the statute accounts for an illegal entry or
18 something else illegal with the breaking of that glass.
19 They're in a bad place.

20 A supervisor, by the way, is on the scene and
21 they don't tell them, look, it's time to get out of
22 here. And then if they want to assume your logic, which
23 is that Mr. Morrison is a bad guy and needed to be
24 arrested, there is a remedy for that. It's called a
25 warrant. You just stay on the perimeter, get away and

1 make sure your officers are safe, set up your command
2 station, stay there all night. They're getting paid by
3 the hour, they love that.

4 Go get a warrant, come back, and then you tell
5 Mr. Morrison on the telephone -- because you've
6 established contact -- we have a warrant, we are going
7 to come in and get you, we don't want to kill you in the
8 process. If he ends up getting killed in the process,
9 none of us are sitting here.

10 Q. Even with the warrant, you agree that every
11 arrest is not made with a warrant?

12 A. Correct.

13 Q. Probably the vast majority are not warrant
14 arrests?

15 A. There is a warrant requirement unless it
16 occurred in the presence of an officer. And then there
17 is, I don't know, 14 warrantless requirements that the
18 statute is very specific about.

19 And domestic violence is one of those, that is
20 true, but you cannot force yourself into a person's
21 house on a misdemeanor offense when a person is not
22 creating an immediate danger to the community.

23 Q. But, again, you know, I guess immediate
24 danger, different people have different opinions. But
25 you have a guy waving a gun around saying he's going to

1 kill the police, you don't think that's an immediate
2 danger?

3 A. And you're familiar with state created danger?

4 Q. You're the expert.

5 A. I don't know how deep I have to talk about
6 this. If you're familiar with state created danger,
7 then that's what this case is. When the state creates a
8 situation that is more dangerous -- by the way, this all
9 comes out of the no duty to protect standard. When the
10 state creates a danger that's more dangerous because of
11 their intervention, you have a state created danger.
12 That's what this case is.

13 There is no chance in my mind, anything that I
14 read, no indication, there is not even an inference that
15 had the police not showed up there that Mr. Morrison
16 would have ended up with a gun in his hand, waving it
17 around screaming, I want to kill the cops. That's done
18 because the cops are there, not -- they don't respond to
19 that.

20 Q. So you're saying if the -- because the police
21 started it, Mike Morrison could finish it?

22 A. I think that's probably a little too
23 simplistic.

24 Q. Why do you say that?

25 A. I think the police needed to finish it. The

1 police needed to finish it by backing off. They were
2 the ones essentially in control of that situation. They
3 forced that situation. They had the -- plenty of time
4 to undo the situation they created, to go back, regroup,
5 rehuddle and say, what are we doing here?

6 Q. All right. Well, again, let's say -- I mean,
7 the facts, you know, the state's alleging are that after
8 30, 45 minutes of this standoff, Michael Morrison took
9 his gun, pointed at the police officer, right? That's
10 the allegations.

11 A. That's the allegations, yes.

12 Q. At that point if you have Corporal Armstrong
13 with a gun pointed at him after Michael Morrison has
14 been threatening to kill the police, in your expert
15 opinion, did the police officer have a right to defend
16 himself?

17 A. The officer had a right to not be there.

18 Q. But he was there.

19 A. I mean, if you're going to get down to the old
20 statement, would you rather be tried by 12 or carried by
21 six, which is kind of the simplicity of this argument
22 you're making, then I would submit to you, yes, you
23 probably should defend yourself, but you better be able
24 to deal with the consequences of that.

25 That's where the officers are right now. They

1 did defend themselves, they shot him, and now they have
2 to deal with the consequences of all this other stuff
3 I'm talking about. They weren't right is what I'm
4 saying. And it was not even reasonable that they were
5 back there.

6 I don't think a normal, prudent, reasonable
7 officer on any given day in America would do that. Not
8 that that will never happen again, but it's not the
9 prudent thing to do: To facilitate a burglary and then
10 challenge the resident of the house you burglarized to a
11 gun fight.

12 Q. Obviously, prudence is not on trial. I guess,
13 again, my question, the fact that it got to that point,
14 do you -- that Morrison is alleged to have pointed a gun
15 45 minutes after the police have been telling him to
16 come out of your house and taken cover in his back yard,
17 do you think he had a legal right to point a gun at a
18 police officer for not getting out of his --

19 A. Yes. I think he had the right to defend
20 himself against excessive force.

21 Q. Besides the police officer reacting, what
22 excessive force were the police using?

23 A. I think the police officers had their guns
24 pointed also at him, and I think that they had made a
25 motion that could reasonably be construed as an attempt