
STOLTZ, LEONARD

LEGEND:

YOUNG = SDPD HOMICIDE DETECTIVE J. R. YOUNG

STOLTZ = LEONARD STOLTZ

YOUNG: Detective J.R. Young, San Diego Police Department Homicide Section. It's July 24, 1999. The time is approximately 11:45 p.m. Uh, I'm at the 3700 block of Strand or Mission Bay Boulevard in the officer involved shooting tonight. I'm sitting in the police car in an alley and about to interview a witness at the scene. Last name is Mr. Stoltz, S-t-o-l-t-z, . The first name of Leonard, middle initial of T. Is the information I have, correct?

STOLTZ: Yes, sir.

YOUNG: Mr. Stoltz? Home address of [Personal data deleted]

YOUNG: Okay. Mr. Stoltz, we appreciate your patience. I know it's been a long night for you but of course that is officer involved shootings can be hectic sometimes. Umm, if you will, just explain to me what brought you into this area tonight and then into what you actually saw.

STOLTZ: All right. Umm, we, we are flying, four of us umm, Delta into San Diego and two of us caught the plane in Dallas, and two didn't. So we rent, went ahead and rented a car and drove up U.S. 5 to...I don't know the names of the cities. It's quite a ways up. And then we decided we'd come back down Pacific Highway. And we were on our way back down we decided we were gonna stop and shop for postcards to send back to the office to irritate 'em I guess. But we came into this area here and pulled over in front of the surf shop. Uh, about a block and a half umm, north of where we are. And we pulled over the side, parked, went into the surf shop, and bought a card and...and when we came out we noticed the police car coming down the road with its lights on. And we both joked that somebody is about to get a ticket. We didn't pay it any mind, went up to the next corner and then crossed and started going into shops on the other side where we made purchases also. And as we came out we noticed the helicopter.

1 We watched the police cruiser pull up. I believe it's in, pull up the alley I think we're
2 in right now. And uh, if it's not this alley, it's the one next north of here. But umm,
3 we noticed the uh, uh, large helicopter coming overhead. And we both commented
4 that it seemed like that might be a police helicopter. And sure enough the spotlight
5 came on and it started circling right at, right over us, and aiming at spotlight right
6 where we saw the police car go up the alley. Uh, we continued south on this road
7 until uh, we were on the corner exactly in front of us now. And I saw umm, three men
8 run out of this alley and turn to the south. And uh, these two were police officers and
9 they grabbed a large black man and struggled with him, he got away. They grabbed
10 him again and struggled with him, and he got away. And next thing I know he's
11 standing on the street corner. I know he had a nunchaku in you know uh, martial art
12 weapon in his left hand. And I believe he had one in his right hand but he was in the
13 stance, ready to...ready to attack. And both officers backed up, one into the street,
14 and one north on, on the sidewalk. And I heard him say, "Come on." And at that uh,
15 there were other people in the...in the areas uh, the two officers opened fire. I
16 believed I counted six or seven shots, uh, he fell, they stood their ground, umm he...he
17 didn't uh, he was still moving, and they didn't approach him and stood there and
18 watched. But in my opinion, the officer were using the appropriate amount of force
19 considering the conditions of the street. When you had a man there with weapons and
20 he'd already, they'd already tried to subdue him twice. And he got away from them
21 twice. And there were other people on the street and he was standing there with
22 nunchakus in front of...in front of this liquor store. And I...I don't...I don't know
23 what other methods of could...they used to subdue him. But had I been standing
24 there trying to subdue him, I... I think I'd have done the same thing. Cause it was out
25 of control and from what I could tell they'd already tried to use their physical strength
26 to control him. It...he was strong and, and bigger than both.

25 YOUNG: Okay, good. When this, when you first saw the police car coming down the road,
26 you'd been a block and a half up from here?

27 STOLTZ: Yes, sir.

28 YOUNG: And you guys were you're in...you're driving or you're on the side of the road?

29 STOLTZ: We were walking.

1 YOUNG: Walking.

2 STOLTZ: On the sidewalk.

3 YOUNG: And do you know if that patrol car that you saw coming down, did it have its lights
4 on?

5 STOLTZ: Yes, it had its lights on. When it turned up the alley it turned the lights off.

6 YOUNG: Up this alley? That was an alley?

7 STOLTZ: No, I don't think it was this alley because I could, I remember seeing it come up the
8 alley and I mean I remember seeing it go further than this distance here. And he...he
9 turned the lights off when he started up the alley.

10 YOUNG: Okay.

11 STOLTZ: And I wouldn't been able to see him with this building here. I wouldn't been able to
12 see him turn the lights off, but I remember seeing him turn the lights off.

13 YOUNG: Now, do you know if...the officers, do you know how many officers were in that car?

14 STOLTZ: No.

15 YOUNG: Okay. You didn't pay that much attention?

16 STOLTZ: No.

17 YOUNG: In the car? Okay.

18 STOLTZ: I actually thought they were just about to pull a speeder over.

19 YOUNG: Okay. And from, from that point until you saw these uh, the two cops and the guy
20 coming out of this alley that we're sitting in, uh, how much time had expired?

21 STOLTZ: No more than, no more than...it was less than ten minutes. It was probably closer to
22 even five minutes. Because I only had time to.. we'd already left the surf shop, and we
23 started walking on down the street. We crossed the street, and went in and made a
24 fairly quick purchase in one store. It, it was probably under five minutes.

25 YOUNG: Okay. And where exactly were you standing when you first saw him coming out of
26 this alley?

27 STOLTZ: When I...right...right across the al--- right across. Right.

28 YOUNG: Okay.

29 STOLTZ: Right there. Uh.

YOUNG: Over there at the police cars across the street there on those other tape?

STOLTZ: Yes, sir. And...and my vantage point there...there are two cars that were parked in

1 front of the uh, uh, Sam's Market here. And our vantage point, we were seeing right
2 in between the two cars at the guy standing there with the nunchakus. But I believe
3 the officer, one of the officers who backed into the street to get away from the...from
4 uh, the gentleman. Uh, I believe he was blocking my view of...of the..of the
5 assailant's right hand. And that's why I'm not really sure where I saw the nunchakus.
6 But the position he had was that he had nunchakus in both hands. He was, he was
7 stance umm, ready to swing and I heard him say, "Come on."
8 YOUNG: Okay. The first time that you've actually see him try to take him into custody, was it
9 in this, come out of this alley or little bit further down?
10 STOLTZ: He was struggling right around. No, it's just right around this corner.
11 YOUNG: Okay. Did they, did they actually get him to the ground or...
12 STOLTZ: No.
13 YOUNG: ...just try to grab onto him?
14 STOLTZ: You know I...I was already alert that there was something going on in the
15 neighborhood, but I didn't realize it was something uh, up this way. Uh, so it you
16 know as soon as I saw him come into the light, I...I was with another guy and I point
17 I said, "Shane, there it is." Uh, meaning there's where all the excitement is about the
18 helicopter. Uh, I didn't see whether they got him to the ground because there is a car
19 parked right there. I just know they were both on top of it. Or you know they both
20 had their hands and we saw arms and hands you know flailing around above the top of
21 the car that was parked on the, along the street here.
22 YOUNG: Did, was it uh, like it's a fistfight or it was more like a wrestling matches trying to get
23 him into custody?
24 STOLTZ: No, it looked more like they were trying to con---just to control him. It, I there
25 wasn't any punches being swung. It looked like they're trying to hold on to him, get
26 his arms down.
27 YOUNG: Okay. Could you hear anything being said?
28 STOLTZ: Umm, I don't recall hearing anything specific, no.
29 YOUNG: And you say that he got away from them at this point and then a little further down
they grabbed him again?
STOLTZ: As I recall, I...I thought I saw them grab him twice. I...I know I saw him grab him

1 once. And then he did get away. And they grabbed him again, and he got away. And
2 that second time he came out I don't know where he got them but he came out with
3 weapons.

4 YOUNG: From your vantage point over there when the person come out here and first grab him,
5 how long would you say the...the struggle took place before, uh he came up with
6 nunchakus and they shot him?

7 STOLTZ: (ui) seconds. Everything happened very fast.

8 YOUNG: Could you see them well enough to see if they were sweating or? Could you tell that?

9 STOLTZ: No, I can't. I couldn't tell that.

10 YOUNG: Did you get, did you ever get any closer than from where that, that point...?

11 STOLTZ: No, I didn't come any closer.

12 YOUNG: Okay. And that's where your friend was too?

13 STOLTZ: Yes, sir. There was another man running down the street and I thought he was another
14 officer and I, I just felt like they had everything under control or.

15 YOUNG: Right.

16 STOLTZ: Uh, it actually look like they were about to get it under control and had the guy not
17 come out with weapons, they probably would've been able to get him under control.

18 YOUNG: Did you ever see the officers with the nunchakus out? Like, did they try to use it on
19 him?

20 STOLTZ: I don't know how he got nunchakus.

21 YOUNG: Okay.

22 STOLTZ: I don't know, I don't.

23 YOUNG: Did you ever see the officers with their mace out?

24 STOLTZ: No. Again, there was a car parked and they...they once they came around this corner
25 there was a car parked right there and that did block my view.

26 YOUNG: Yeah.

27 STOLTZ: I could only see above the car that there a was lot of activity, grabbing umm, and...
28 and all.

29 YOUNG: Okay. Did you see, did they, did you have a chance to see if they had their handcuffs
out?

STOLTZ: Everything happened way too fast. No, I didn't make that observation.

1 YOUNG: Did it appear to you that the officers were winning this fight?

2 STOLTZ: No.

3 YOUNG: Okay. Were they'd being uh, thrown, was the guy being able to throw them off or

4 was.

5 STOLTZ: Yes, see I mean, it was like he was a Superman. I mean umm, there were two officers

6 and they were right on top, they...they were with him. They were um and...and he

7 just seemed to be able to shake them loose.

8 YOUNG: When, when he stood up and he...or did he stand up or? What ..?

9 STOLTZ: I don't think he ever went to the...I don't recall ever seeing him go to the ground but

10 again the vehicle blocked my view of what was really going on. I could see above the

11 car and uh, hon--- honestly, I didn't see him go to the ground. Um, everything I saw

12 was looking over the top of the parked vehicle.

13 YOUNG: And at some point he came up with these nunchakus at least the one period you saw.

14 STOLTZ: I don't know. Exactly. I...I don't remember when...when I do remember seeing him

15 coming around the corner, and I don't remember anything being in his hand.

16 YOUNG: Right. But when he came up with the nunchakus, what'd you see the other officers

17 do?

18 STOLTZ: They backed off right away. And he had, he was in the stance ready to...ready to

19 begin an attack. And I heard him say, "Come on." And uh, it was a fairly busy street.

20 But there fortunately there wasn't anybody within 15 feet of, I didn't really see anyone

21 within 15 feet of him. But the other side of the street was very crowded.

22 YOUNG: Yeah. Did...did he make uh, any movement towards them or just...just challenged

23 them by saying, "Come on?"

24 STOLTZ: I didn't see him like a move, a forward movement. Umm, as I said he had the... he

25 had the nunchakus in a...in a ready position. They weren't swinging yet. Umm, and I

26 can really only speak about the left hand because I thought it was laying still. Uh, it

27 was hanging from his hand and it wa--- it wasn't swinging yet but he was, he was

28 ready to move forward and, and the officer on the sidewalk was close enough, he

29 could have got him very easily. The other officer immediately backed up into the

street. And I..and I think that put the officer in front of him at a serious disadvantage.

Uh, once that other officer backed up it did look like much more risky situation for the

1 officer on... on the sidewalk.

2 YOUNG: Okay. Did you ever see the... the suspect twirling the nunchakus?

3 STOLTZ: No.

4 YOUNG: Okay. Cars coming you know back and forth on the road during this time?

5 STOLTZ: I don't recall any cars blocking my view.

6 YOUNG: Okay.

7 STOLTZ: In fact I know they didn't block my view umm, once the, once the uh, individual had

8 them, was in the ready position and the officers had backed off of him.

9 YOUNG: Did you have any problem recognizing the police officers as police officers?

10 STOLTZ: No, none whatsoever.

11 YOUNG: You...you recall what they were wearing?

12 STOLTZ: Umm, they were both in shorts.

13 YOUNG: Do you recall what the suspect looked like?

14 STOLTZ: Umm, I just recall he was a very large umm, black male uh.

15 YOUNG: Could you see his arms?

16 STOLTZ: Umm, I could see when I mean one thing I did note about him was he did look very

17 well built. Umm, he looked like uh, he was bigger than both officers, uh, and di--- and

18 he was definitely taller.

19 YOUNG: Did you see what happened after shots were fired?

20 STOLTZ: Umm, yes, just the police officers held their position and hold, hold down on... on the

21 individual and, and they just held their position umm, for sometime.

22 YOUNG: The other officers arrived?

23 STOLTZ: Yes.

24 YOUNG: The officers still in that same position when other officers arrived?

25 STOLTZ: Yes.

26 YOUNG: They're still drawn down on him?

27 STOLTZ: Yes.

28 YOUNG: Okay. Is there any, anything else you can?

29 STOLTZ: Things happened.

YOUNG: (UI).

STOLTZ: The only, my only personal comment would be that it happened very fast and that, and

1 I just felt like I don't think from...from what how fast I saw everything this guy was in
2 control of the two officers. And it was a crowded street and...I think one of the
3 reasons why I wanted to stay and say what I saw was I...I think if I would have been
4 one of those officers, I would have to make the same choice. Uh, it just seemed like
5 they were overpowered uh, and there were a lot of people in...in the street. We were
6 enjoying a nice evening.

7 YOUNG: Okay. Had, you and your friend been drinking tonight?

8 STOLTZ: No, sir.

9 YOUNG: Okay. Let's uh, if you will, walk over, we'll let's just walk off exactly where you're
10 standing and...

11 STOLTZ: Mm-hmm.

12 YOUNG: ...exactly uh, the...the view that you had.

13 STOLTZ: Okay.

14 YOUNG: We're gonna go off the tape for just a minute.

15 [TAPE OFF]

16 [TAPE ON]

17 YOUNG: Okay. We're standing on the east side of 3700 Mission Bay. Uh, it's a little alley
18 between a liquor store and the shoe store at 3761. Between 3761 and 3757. Um, Mr.
19 Stoltz had a clear view of the front of the market uh, there's probably a 15-foot
20 section of sidewalk that he could see between two trucks that were parked on the
21 curb. And I walked that off and put this on tape but that was his view. It is a well-lit
22 night and the moon was out, it's partially full.

23 STOLTZ: It would have been that pick up truck that kept me from seeing what was going on
24 below. Cause when I saw him come down actually when...when they came down the
25 alley, with this alley is the mailbox there. But we continued walking. Uh, we still at,
26 we still really didn't know what was going on and that we should take cover. But
27 that...that truck is what blocked me from seeing what went on but I did see flailing
28 arms and.

29 YOUNG: Okay. And this is it? You saw him come out of that alley?

STOLTZ: Mm-hmm.

YOUNG: All right..

1 STOLTZ: Well, actually I first new some--- I first noticed them when they came around the
2 corner.
3 YOUNG: Okay.
4 STOLTZ: And again, we were... we were down by the bench. Between the bench in there and
5 the post office box there.
6 YOUNG: And was the suspect leading that pack and they were just trying to grab on to him?
7 STOLTZ: Yeah, yeah. Really, at that point it didn't look like there was gonna be any problem
8 with the two officers getting him under control. And it wasn't until all this flailing
9 starts going on that umm, I realized that there's a real problem. [Personal data deleted]
10 YOUNG: Okay. Still to find that. Is there anything else you can add, Mr. Stoltz?
11 STOLTZ: That's uh, what I saw.
12 YOUNG: Okay. At this point, we'll terminate the interview. It's approximately...it's about
13 midnight.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29