

289 VA 281

---

---

IN THE  
**Supreme Court of Virginia**

\_\_\_\_\_  
RECORD NO. 040480  
\_\_\_\_\_



**KATINA GREEN,**  
**Administrator of the Estate of Christie D. Green,**  
*Appellant,*

v.

**GEORGE INGRAM**  
**and**  
**DEFENSE TECHNOLOGY CORPORATION OF AMERICA**  
**(a Delaware corporation),**  
*Appellees.*

\_\_\_\_\_  
**APPENDIX**  
**Volume I - Pleadings and Exhibits**  
\_\_\_\_\_

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broaddus  
CUTHBERT LAW OFFICES  
A Professional Corporation  
220 North Sycamore Street  
Petersburg, VA 23803-3228  
(804) 733-3100

*Counsel for Appellant*

William D. Bayliss  
WILLIAMS MULLEN  
Post Office Box 1320  
Richmond, VA 23218-1320  
(804) 643-1991

*Counsel for Appellee  
Defense Technology Corporation  
of America*

Beverly A. Burton  
Office of the City Attorney  
900 East Broad Street  
Room 300  
Richmond, VA 23219  
(804) 646-7940

*Counsel for Appellee  
George Ingram*



## Table of Contents

### Page Number

### Volume I - Pleadings

Motion for Judgment, with attachments, filed 12/27/00 . . . . .	1
Letter dated 9/5/03 with corresponding Notice and Motions . . . . .	73
Letter dated 9/29/03, with corresponding Notice and Motions . . . . .	159
Letter dated 12/24/03, with corresponding Notice and Motions . . . . .	177
Order, entered 1/8/04 . . . . .	238
Order, entered 1/9/04 . . . . .	243
Order (corresponding to 1/8/04 hearing) . . . . .	**
Order, entered 1/24/04 . . . . .	247
Order, with attachments, entered 2/5/04 . . . . .	249
Assignments of Error . . . . .	281

### Exhibits:

#### Plaintiff's No.:

1 - Instructions . . . . .	282
3 - Photo . . . . .	283
16 - Photo . . . . .	284
19 - Diagram . . . . .	285
25 - Advertisement . . . . .	286

#### Defendant's No:

3 - Photo . . . . .	287
4 - Photo . . . . .	288
5 - Photo . . . . .	289

**\*\*For reasons not known, the order memorializing the ruling of the trial court on 1/8/04 can not be found.**

## **Volume II - Transcripts**

Transcripts of Proceedings before the Honorable  
Randall G. Johnson on the following dates:

<b>9/25/03</b> . . . . .	290
<b>9/30/03</b> . . . . .	415
<b>1/8/04</b> . . . . .	475
<b>1/20/04</b> (excerpt of opening statement of Charles H. Cuthbert, Jr.) . . . . .	497
<b>1/20/04</b> . . . . .	501
Testimony of Charles Hayes . . . . .	519
Testimony of Deborah Kay . . . . .	524
Testimony of Eugene Provost . . . . .	536
Testimony of Katina Green . . . . .	599
<b>1/21/04</b> . . . . .	606
Testimony of Wendy Dunn . . . . .	614
Testimony of Michael Talbert . . . . .	617
Testimony of Robert E. Lee, Jr. . . . .	636
Testimony of Timothy DeGrauwe . . . . .	642
Testimony of John Buckovich . . . . .	655
Testimony of George Ingram . . . . .	669
Testimony of Katina Green . . . . .	679
<b>1/22/04</b> . . . . .	803

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

LESLIE L. GREEN, ADMINISTRATOR OF	)
THE ESTATE OF CHRISTIE D. GREEN,	)
	)
Plaintiff,	)
v.	)
	)
ARMOR HOLDINGS, INC.	)
(a Delaware corporation),	)
DEFENSE TECHNOLOGY CORPORATION	)
OF AMERICA	)
(a Delaware corporation),	)
DEFENSE TECHNOLOGY CORPORATION	)
OF AMERICA,	)
JOHN B. BUCKOVICH,	)
and GEORGE INGRAM,	)
	)
Defendants.	)

MOTION FOR JUDGMENT

The plaintiff Leslie L. Green ("Mr. Green"), by counsel, states:

1. On or about December 29, 1998, the plaintiff's decedent Christie D. Green ("Ms. Green") died.
2. On or about January 19, 1999, the plaintiff qualified for and was duly appointed the Administrator of the Estate of Ms. Green by the Circuit Court of the City of Richmond, Virginia.
3. Ms. Green died intestate, survived by the following statutory beneficiaries per Va. Code § 8.01-53:
  - a. Kevasha Sada Green, DOB September 26, 1995.
  - b. Diqasha Sanic'e Green, DOB April 9, 1997.



4. By reason of the death of Ms. Green, the statutory beneficiaries have sustained the damages itemized in Va. Code § 8.01-52(1-5).
5. The plaintiff respectfully requests a jury trial.

Count 1

(Gross negligence of Officer Buckovich)

6. The plaintiff incorporates by reference paragraphs one through five, above.
7. The defendant John B. Buckovich ("Officer Buckovich") owed Ms. Green various duties, including but not limited to the duty to use reasonable care in training and equipping Sgt. Ingram and in planning and supervising the forced entry into the apartment known as 1112-C Dove Street, in the City of Richmond, on Tuesday December 29, 1998.
8. Officer Buckovich breached the duties referenced in the foregoing paragraph in numerous ways, including but not limited to:
  - a. Deciding to use frangible slugs as the breaching tool under the circumstances of the case (namely, to serve a search warrant on a small apartment that he should have known was occupied by 6 adults and 7 children). Available options included a ram or a pry bar.
  - b. Failing to see that Sgt. Ingram did not commit the acts of negligence outlined below. Lt. Buckovich was head of the Police Academy and in charge of training the SWAT team. He was at the scene and, in fact, gave the signal to begin the raid that resulted in Ms. Green's death.
  - c. Failing to see that Sgt. Ingram was properly trained. For example, not trained to aim at a 45 degree angle toward the jamb. See Document # 191 at page 490 (copy attached), stating, "Breaching rounds are fired into the door jamb . . . at a 45 degree angle...." In contrast, the Richmond lesson plan (Document # 109) makes no mention of the left/right aiming angle. For example, see Document # 109 at page 360 (copy attached).

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION

30 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658

d. Failing to conduct appropriate surveillance, or to see that this was done, before the raid began.

9. In breaching these duties, Officer Buckovich was grossly negligent in that he showed such indifference to others, including Ms. Green, as to constitute an utter disregard of caution amounting to a complete neglect of the safety of another person, including Ms. Green.
10. The negligence described above in this Count evinced a conscious disregard for the rights of Ms. Green and/or criminal indifference to civil obligations owed to her.
11. As a direct and proximate result of the gross negligence described above, Ms. Green died.
12. By reason of the death of Ms. Green, the statutory beneficiaries have sustained the damages itemized in Va. Code § 8.01-52 (1-5).

Count 2  
(Gross negligence of Sgt. Ingram)

13. The plaintiff incorporates by reference paragraphs one through five, above.
14. Ms. Green died as a direct and proximate result of one or more of five frangible rounds fired from a 12 gauge shotgun by the defendant George Ingram ("Sgt. Ingram"). See the statement of Sgt. Ingram, a copy of which is attached as Document #40, pages 138 and 139.
15. Sgt. Ingram thus fired the fatal round or rounds in an effort to make a forced entry into 1112-C Dove Street, in the City of Richmond (the "Apartment"), on Tuesday December 29, 1998.

16. When Ms. Green collapsed due to the mortal wounds inflicted by Sgt. Ingram, she trapped her infant daughter Kevasha under her, and her own blood covered her trapped child. See Document #40, page 139, copy attached.
17. According to the report of the medical examiner, copy attached as Document #14, pages 82 through 96, the cause of Ms. Green's death was "shotgun wound of chest" caused by a "frangible 'breaching' round," and there were four entrance wounds in the right upper chest. See the attached copy of photograph #38, depicting these wounds. These wounds mark the entrance point of multiple frangible slug particles, fired by Sgt. Ingram, that perforated all lobes of Ms. Green's right lung, her esophagus, her aorta, the left lower lobe of her left lung, and her heart. Document # 14 at page 87. Postmortem toxicology was negative for alcohol, opiates, and cocaine. Document # 14 at page 87.
18. Sgt. Ingram owed Ms. Green various duties, including but not limited to the duty to use reasonable care in making forced entry into the Apartment.
19. Sgt. Ingram breached the duty described in the foregoing paragraph in numerous ways, including but not limited to:

- a. Aiming four of his five blasts in the gap between the deadbolt latch and the knob latch. See photograph #s 319 and 324, copies attached. These last four blasts did not aid in opening the door, nor could they. Instead, they merely jeopardized the occupants. This action by Sgt. Ingram violates the aiming instruction in Document # 109 at page 360, copy attached, stating "aim shotgun ...at the latchbolt...."

**CUTHBERT  
LAW OFFICES**

10 NORTH SYCAMORE STREET

PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658



- b. Failing to check the target door after each of blasts one through four to determine if the next blast was likely to cut all the way through the door and, if so, to switch to a more conservative, less aggressive breaching tool (such as a ram or a pry bar). In this regard please note the statement of Michael R. Talbert in Document # 200 at page 515, copy attached, that "Through the holes in the [front] door, I saw at least two figures inside the apartment moving toward the stairs and another figure moving toward the kitchen." When the raid took place, the lights were "on" in the kitchen.
- c. Failing to turn the knob after each blast to see if the target door would open. Instead, between blasts Sgt. Ingram merely pushed the door with his left foot to see if it would open. Since none of his five blasts damaged the knob latch, it was highly unlikely that the door was going to open in response to the pressure of his left foot.
- d. Failing to aim the shotgun at a 45 degree down angle. See Document #109 at page 360, copy attached. Instead, trajectory testing indicates that Sgt. Ingram aimed at a down angle of 8 degrees to 32 degrees. See photographs #s 367 and 368 and Document #s 117 and 118, pages 379 and 380, copies attached.
- e. Failing to aim the shotgun at a 45 degree angle toward the jamb. See Document # 191 at page 490, copy attached, stating, "Breaching rounds are fired into the door jamb...at a 45-degree angle...." The Richmond lesson plan (Document #109) makes no mention of the left/right aiming angle. For example, see Document #109 at page 360, copy attached.

20. In breaching this duty, Sgt. Ingram was grossly negligent in that he showed such indifference to others, including Ms. Green, as to constitute an utter disregard of caution amounting to a complete neglect of the safety of another person, including Ms. Green.

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION  
11 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

21. The negligence described above in this Count evinced a conscious disregard for the rights of Ms. Green and/or criminal indifference to civil obligations owed to her.
22. As a direct and proximate result of the gross negligence described above, Ms. Green died.
23. By reason of the death of Ms. Green, the statutory beneficiaries have sustained the damages itemized in Va. Code § 8.01.52 (1-5).

Count 3

(Breach of express warranties by Defense Technology)

24. The plaintiff incorporates by reference all paragraphs of this motion for judgment set forth above.
25. The defendant Defense Technology Corporation of America ( a Delaware corporation), and/or the defendant Defense Technology Corporation of America (together, "Defense Technology") sold the five 12 gauge frangible rounds (the "Frangible Rounds") that Sgt. Ingram shot at the kitchen door of 1112-C Dove Street on December 29, 1998, one or more of which killed Ms. Green (together, the "Frangible Rounds"). At all relevant times, the defendant Armor Holdings, Inc. controlled the actions of Defense Technology.
26. On or about April 18, 1997, the City of Richmond bought the Frangible Rounds from Defense Technology.
27. Attached as Document # 4 page 13 is an authentic copy of an invoice documenting the sale of forty-eight frangible rounds by Defense Technology to the City of Richmond.

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION

3 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

28. The frangible rounds sold by Defense Technology to the City of Richmond, as documented by Document # 4, page 13, copy attached, included the Frangible Rounds.
29. Attached as Document # 5 pages 14 through 16 is an authentic copy of product literature supplied by Defense Technology to the City of Richmond as an inducement to buy the frangible rounds referenced in Document # 4 page 13, copy attached.
30. In selling the Frangible Rounds to the City of Richmond, Defense Technology made certain express warranties, including but not limited to the express warranty that the slug of the Frangible Rounds "disintegrates into a fine powder upon impact with the target," and that "[t]he only possible fragmentation would be from the target area rather than the slug itself." Document # 5 at page 15, copy attached.
31. The Frangible Rounds did not conform to the express warranties referenced above.
32. In depositions, Officer Buckovich testified as follows:

Q. Now look with me, please at 7 (d). With respect to the particular frangible slugs that killed Ms. Green, did it malfunction or was it defective in any way? If so, how?

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION

1 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3223  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658



A. And this is obviously an opinion question on my part that based on the way the round is supposed to function, it is my opinion that it did malfunction because it is supposed to fragment upon contact with an object.

4:5 (b) (6) deposition of the City of Richmond Part 1 (Officer Buckovich testifying), 64.12 through 64.20. In addition, in depositions Eugene Provost, a forensics detective with City of Richmond, testified as follows:

Q. What is it about the specifications of the manufacturer that lead you to the conclusion that the frangible slug rounds fired by Sergeant Ingram resulted in Christie's Green's death malfunctioned or were defective?

A. I understood the rounds that Sergeant Ingram fired, do I feel that they were defective that contacted with Christie Green?

MS. BURTON: Okay.

A. The reason that I feel that they were defective, once they passed through the door, they should not have continued to stay whole. They should have been – even if they were fragmented, if they were fragmented, then they should be in a powder form not in a split in half or a fragmented form like a bullet. Once these come in contact with any type of surface that they pass through, there's – my indication from the manufacturer is that they're supposed to be powderize.

Q. Did you talk to the manufacturer or are you basing this on manufacturer's published specifications?

A. The manufacturer's published specifications.

4:5 (b) (6) deposition of the City of Richmond Part 2 (Detective Provost testifying), 95.3 through 96.1.

33. As a direct and proximate result of the breach of express warranties described above, Sgt. Ingram killed Ms. Green.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
60 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23303-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

Count 4  
(Breach of implied warranties by Defense Technology)

34. The plaintiff incorporates by reference all paragraphs of this motion for judgment set forth above.
35. Defense Technology made implied warranties to the City of Richmond that the Frangible Rounds were of merchantable quality and fit for their intended and ordinary use and for the general and particular purposes and uses for which they were designed, manufactured, marketed, distributed, and sold.
36. The Frangible Rounds did not conform to the implied warranties described above in this Count.
37. As a direct and proximate result of the breach of implied warranties described above, Sgt. Ingram killed Ms. Green.


Count 5  
(Negligence by Defense Technology)

38. The plaintiff incorporates by reference all paragraphs of this motion for judgment set forth above.
39. Defense Technology designed, manufactured, packaged, marketed, distributed, delivered, sold, tested, inspected, and supplied the Frangible Rounds.
40. Defense Technology owed Ms. Green the duty to use reasonable care in designing, manufacturing, packaging, marketing, distributing, delivering, selling, testing, inspecting, supplying, instructing the City of Richmond and its employees (such as Officer Buckovich and Sgt. Ingram), and warning of any reasonably foreseeable hazards posed by the Frangible Rounds.

41. Defense Technology breached the duties described above in this Count.
42. Defense Technology was negligent in breaching the duties described above in this Count, and in related ways.
43. The negligence described above in this Count evinced a conscious disregard for the rights of Ms. Green and/or criminal indifference to civil obligations owed to her.
44. As a direct and proximate result of the negligence described above, Sgt. Ingram killed Ms. Green.

WHEREFORE Leslie L. Green, administrator of the estate of Christie D. Green, demands judgment against Armor Holdings, Inc. (a Delaware corporation), Defense Technology Corporation of America (a Delaware corporation), Defense Technology Corporation of America, John B. Buckovich, and George Ingram, jointly and severally, in the amount of nine million and no/100ths dollars (\$9,000,000) compensatory damages, plus \$1,000,000 punitive damages, plus interest from December 29, 1998, and costs.

LESLIE L. GREEN, ADMINISTRATOR  
OF THE ESTATE OF CHRISTIE D. GREEN

By   
Counsel

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
A Professional Corporation  
220 North Sycamore Street  
Petersburg, Virginia 23803

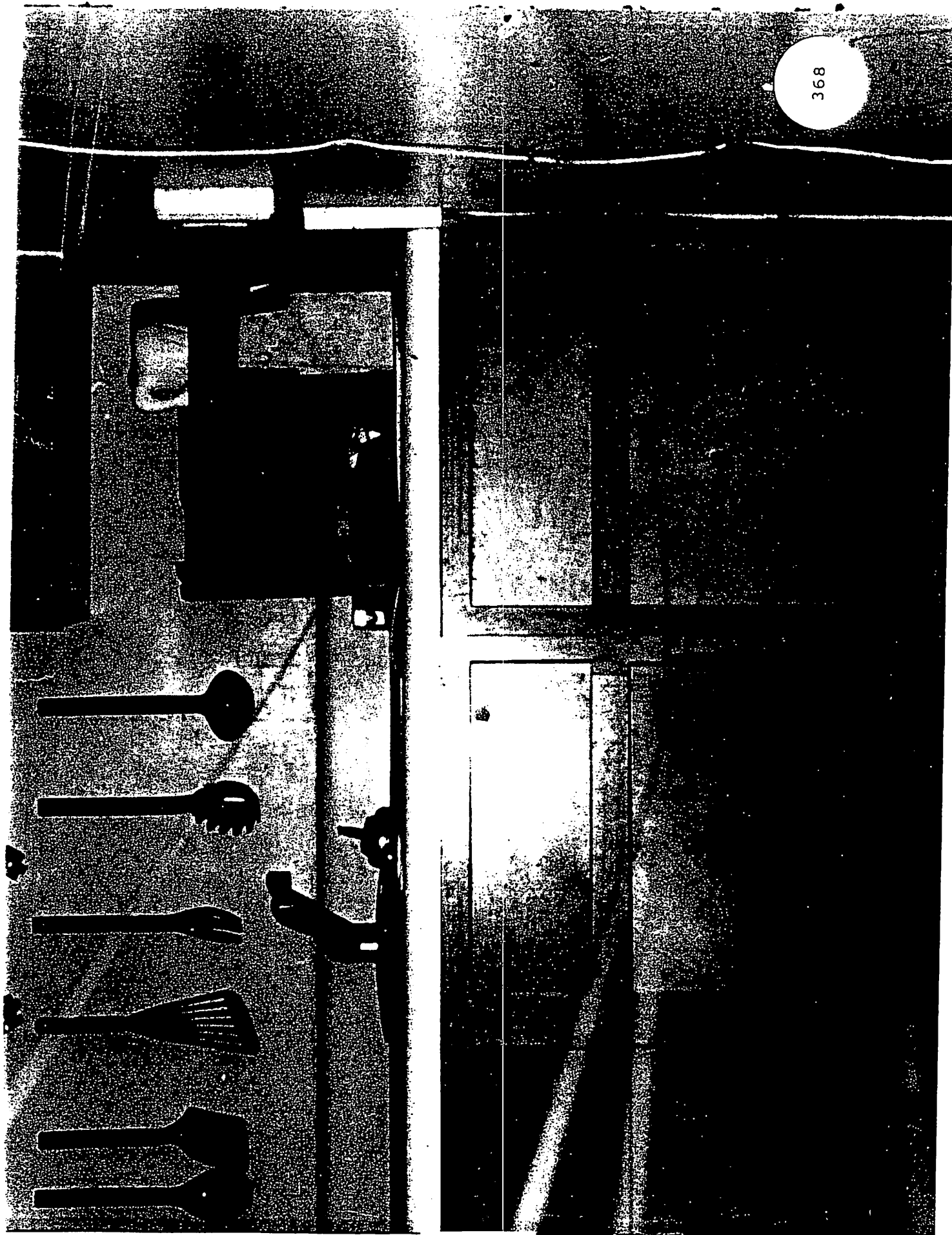
**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION

0 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658







319



12-29-95

1112D-11

781-11

111

55



324

367

Vendor Number: 830294956

Vendor: DEFENSE TECHNOLOGY  
CORPORATION OF AMERICA  
2136 OIL CRIVE  
CASPER, WY 82604

Contact:

Confirming Order: NO Responsible Person: B BARTELLE 780-6781



Quoted F.O.B. DESTINAT

Quoted Delivery Date: 04/18/97

Terms: ONET 30

REF: 1

Deliver To: RICHMOND POLICE DEPARTMENT  
CITY OF RICHMOND  
501 N 9TH STREET RM G-48  
RICHMOND VA 23219

Buyer:

780-5716

LINE	COMMODITY CODE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE	I/D
101	680020000000	INSIDE DELIVERY ONLY POLICE AND CORRECTIONAL RELOADS FOR DEF-TEC 22					
102	680020000000	POLICE AND CORRECTIONAL 22-TK BREACHING					
GRAND TOTAL							

PENGAD-Bayonne, N. J.  
Document 4

SUBMIT  
INVOICES  
IN  
QUADRUPPLICATE  
TO:

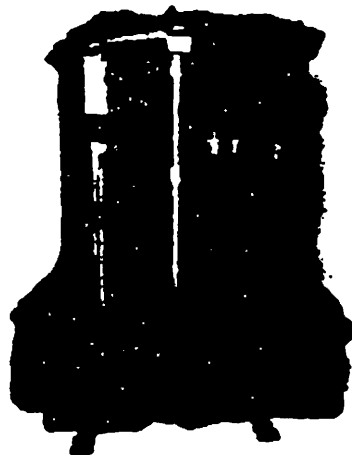
RICHMOND POLICE DEPARTMENT  
CITY OF RICHMOND  
501 N 9TH STREET ROOM B-105  
RICHMOND VA 23219

ADDRESS  
OTHER  
COMMUNICATIONS  
TO:

RICHMOND PURCHASING SERVICES  
ATTN: (SEE RESPONSIBLE PERSON)  
CITY OF RICHMOND  
900 EAST BROAD ST., 11TH FLOOR  
RICHMOND, VA 23219

The City of Richmond, Virginia

Authorized Signature



## Manual Entry Tool Back Pack

This back pack is designed to comfortably carry a Hooligan tool, a sledge hammer, and bolt cutters. It is made of 1000 denier Cordura nylon and is heavily padded with closed cell foam. Each tool has its own pouch and Velcro retention straps. The pouches are provided with a drain hole. All three tools are completely covered with top flap secured by either a heavy duty zipper and/or Fastex side release buckles. The back pack itself is

contoured to the shape of your back. The shoulder strap and chest strap are fully adjustable along with the waist strap. The main cover is closed by #9 YKK zipper and sliders with HawkTabs. Color: OD, Black, Camo, Tan

Note: Designed to fit shortened entry tools only.

563-60ME00

## Bolt Cutter Back Pack

This pack is designed for quick access to a large and/or small pair of bolt cutters. It is made of two layer 1000 denier Cordura nylon and padded with 3/8" closed cell foam. The cover flaps are secured by a side release buckle. The shoulder straps are fully adjustable with a sternum strap and a waist strap. Color: OD, Black, Camo, Tan

563-62MT02

# BlackHawk

## Manual Entry Tool Quiver, 30" Manual Entry Tool Quiver, 26"

This unique product was designed in cooperation with highly trained door kicking operatives. It is designed to be extremely lightweight and to be worn over the shoulder quiver style. It has a fully adjustable 2" wide strap. Made of two layers of 1000 denier Cordura nylon and 3/8" closed cell foam. The top flap is adjustable and is secured by a side release buckle. There is a second external pouch for misc. tools and gear. Color: OD, Black, Camo, Tan



563-62AS00 30"  
563-62MT01 26"

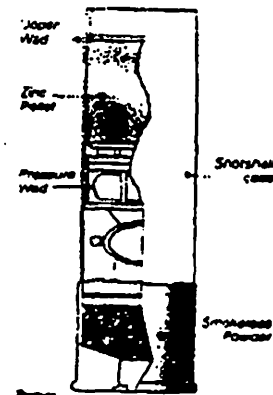
## NO. 22 T.K.O. (Tactical Knock-Out) 12 Gauge Frangible Slug

The No. 22 T.K.O. is a high velocity, 12 gauge, frangible slug, made of compressed powdered zinc, which disintegrates into a fine powder upon impact with the target. The only possible fragmentation would be from the target area rather than the slug itself.

This highly effective breaching round is a viable, faster alternative to the time consuming, cumbersome door breaking/ramming devices traditionally used. The recoil from the shot is low enough that the gun can be held with one hand if needed. The slug is more uniform in weight, allowing for greater accuracy.

**Operation:** Can be used in any standard police shotgun equipped with the No. 100 Stand-Off Launcher attachment. The Stand-Off is vented, and insures the proper distance between the barrel of the weapon and the target, thus preventing any damages to the barrel. This attachment can also be used to launch the No. 98 Tactical Grenade, and can be left on the shotgun since it will not interfere with firing of standard shotgun ammunition.

031-3105



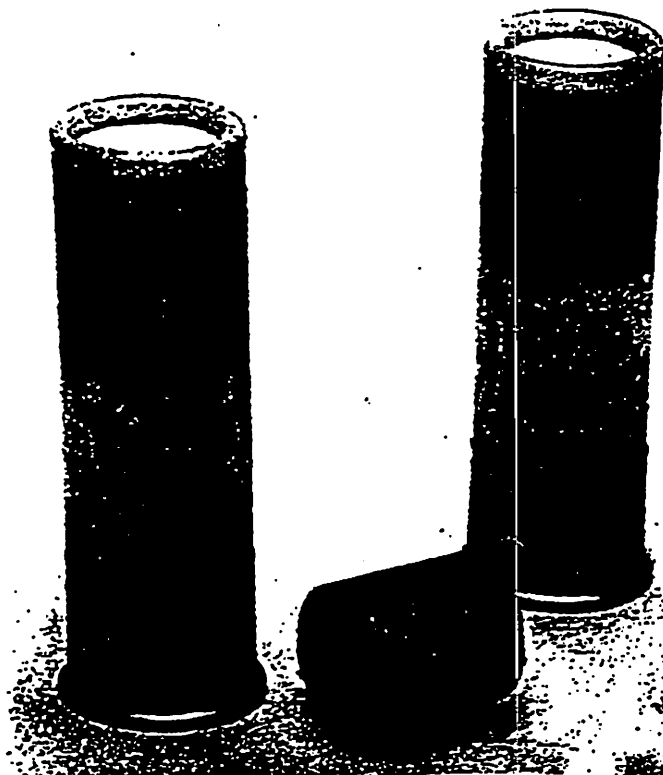
Need Pricing?  
How to Order  
Read Pg. 4

Document 5

# NO. 22 T.K.O. (TACTICAL KNOCK-OUT) 12-GAUGE FRANGIBLE SLUG

The No. 22 T.K.O. is a high velocity, 12 gauge, frangible slug, made of compressed powdered zinc, which disintegrates into a fine powder upon impact with the target. The only possible fragmentation would be from the target area rather than the slug itself.

This highly effective breaching round is a viable, faster alternative to the time consuming, cumbersome door breaking/ramming devices traditionally used. The recoil from the shot is low enough that the gun can be held with one hand if needed. The slug is more uniform in weight, allowing for greater accuracy.



Specifications subject to change without notice.

#### ➤ APPLICATION:

When properly applied, this round is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and padlocks on both hollow and solid wooden doors, as well as standard hollow industrial doors. It is also effective on automobile door and trunk lock mechanisms.

#### ➤ OPERATION:

Can be used in any standard police shotgun equipped with the No. 100 Stand-Off/Launcher attachment. The Stand-Off is vented, and insures the proper distance between the barrel of the weapon and the target, thus preventing any damages to the barrel. This attachment can also be used to launch the No. 98 Tactical Grenade, and can be left on the shotgun since it will not interfere with firing of standard shotgun ammunition.

#### ➤ CONSTRUCTION:

Compressed powdered zinc slug loaded in a 12-gauge shotshell.

#### ➤ DESIGN FEATURES:

CALIBER: 12 gauge

SLUG WEIGHT:

21.3 grams ± 3 grams

TOTAL WEIGHT: 125 grams

#### ➤ PERFORMANCE:

VELOCITY: 1,800 f.p.s. ± 100 f.p.s.

Slug disintegrates upon impact

#### ➤ REFERENCES:

NO. 22 T.K.O.:

Product Code 3105\*

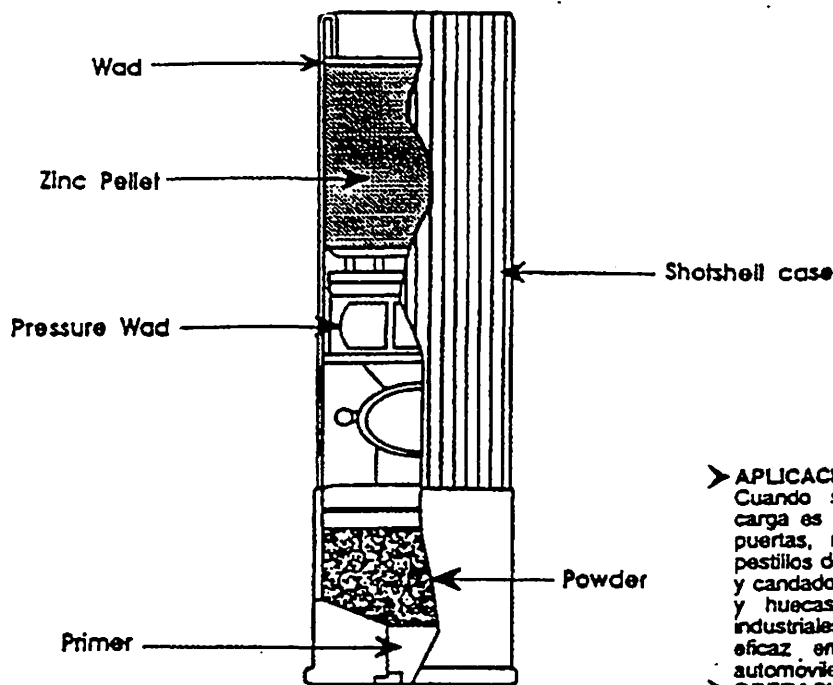
NO. 100 Stand-Off / Launcher  
Attachment:

Product Code 1370

\*Sold in packages of 100 rounds

DEFENSE TECHNOLOGY CORP. OF AMERICA  
P.O. BOX 240 - 2136 OIL DRIVE - CASPER, WYOMING. 82604-1511-U.S.A.  
(800) 733-3832 - (307) 235-2136 - FAX (307) 473-2605

(16)



## NO. 22 T.K.O. (TACTICAL KNOCK-OUT) 12-GAUGE FRANGIBLE SLUG

### > APLICACION:

Cuando se usa apropiadamente, esta carga es capaz de vencer cerraduras de puertas, manijas de puertas, bisagras, pestillos de resorte, cadenas de seguridad y candados en puertas de madera solidas y huecas, como tambien en puertas industriales comunes huecas. Es tambien eficaz en cerraduras de puertas de autom6viles y camiones.

### > OPERACION:

Puede usarse con cualquier escopeta estandar de la policia que cuenta con el accesorio de soporte impulsor No. 100. El soporte impulsor es con ventilacion y asegura la distancia apropiada entre el cañon de la arma y el blanco, evitando asi cualquier dafio al cañon. Este accesorio puede ser usado tambien para lanzar la Granada Tactica No. 98 y puede permanecer en la escopeta puesto que no interfiere al disparar las municiones estandar de la escopeta.

### > CONSTRUCCION:

Bala con polo de zinc comprimido cargado en un cartucho de calibre 12.

### > CARACTERISTICAS DE DISEÑO:

Calibre: 12

Peso de la bala:

21.3 gramos  $\pm$  0.3 gramos

Peso total: 1.25 oz.

### > RENDIMIENTO:

Velocidad: 1.600 pies por segundo Bala se desintegra al impacto

### > REFERENCIAS:

No. 22 T.K.O.:

Código del Producto 3105\*

Accesorio de soporte impulsor No. 100:

Código del Producto 1370

\*Vendido solamente en paquetes de cinco.

EXCLUSIVE MANUFACTURERS OF -

DEF-TEC PRODUCTS

City/County of Death

☐ Resident☐ Non-Resident

AMENDED

DATE \_\_\_\_\_

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HEALTH  
OFFICE OF THE CHIEF MEDICAL EXAMINER  
CENTRAL DISTRICT  
9 NORTH 14TH STREET  
RICHMOND, VIRGINIA 23219  
PHONE (804) 786-3174, FAX (804) 371-8595

## REPORT OF INVESTIGATION BY MEDICAL EXAMINER

Decedent:

First Name

Middle Name

Last Name

Suffix Sr., Jr., III, etc

Address:

Number and Street

City, State

Zip

Age: 18 DOB: 2-17-80 Sex: ☐ Male ☒ Female ☐ Unknown Occupation: \_\_\_\_\_Race: ☒ Black ☐ White ☐ Asian ☐ Native American ☐ Unknown ☐ Other \_\_\_\_\_Hispanic Origin: ☐ Yes ☒ No Marital Status: M W S D SSN: 231-19-2945

TYPE OF DEATH: (Initial jurisdiction, check only one)

Final jurisdiction ☒ same revised to \_\_\_\_\_☐ Sudden in apparent good health ☐ Suspected SIDS☐ Unattended by physician☒ Violent or Unnatural

Scene Visit

☒ Yes ☐ No☐ Suspicious☐ In prison, jail or police custodyRetrospective Review ☐ Yes ☒ No☐ Unusual☐ City/County ☐ State ☐ FederalNotification by: Det. Krute

Official Title \_\_\_\_\_

Address: 501 N 9th

Phone: \_\_\_\_\_

Police Notified ☒ Yes ☐ No

Investigator

Payne and Allen

Phone: \_\_\_\_\_

Address: 501 N 9thJurisdiction: Richmond

	Date	Time 24 hour clock	Location	City or County	Type of Premises e.g. Highway, etc.
Last Seen Alive	12/29/98	2300	1112 Dove St. #C	Richmond	Apartment
Injury or Illness	12/29/98	2300	" "	"	"
Death	12/29/98	2300	" "	"	"
View of Body	12/30/98	0800	400 E. Jackson	Richmond	OCME

Cause of Death:

Shotgun wound of chestAutopsy: ☒ Yes ☐ NoAuthorized by: MEPathologist: KayAutopsy No. 897-98

Location (if not OCME) \_\_\_\_\_

Manner of Death: check one only:

☐ Natural☐ Accident☐ Suicide☒ Homicide☐ Undetermined☐ Pending

I hereby declare that after receiving notice of the death described herein I took charge of the body and made inquiries regarding the cause and manner of death in accordance with § 32.1-293, Code of Virginia, and that the information contained herein regarding such death is correct to the best of my knowledge and belief.

Date

City or County of Appointment

Signature of Medical Examiner

Name of Medical Examiner (Type or Print)

CME 1 Rev 11.97

Document  
#14



# MEANS OF DEATH

83

☐ VEHICLE: Status: ☐ Driver ☐ Passenger ☐ Pedestrian ☐ Unknown ☐ Other \_\_\_\_\_  
 Type of vehicle associated with decedent: ☐ Passenger car ☐ Pickup Truck ☐ Utility ☐ Motorcycle  
☐ Truck—more than 2 axles ☐ Bicycle ☐ Farm Vehicle ☐ ATV ☐ Moped ☐ Other \_\_\_\_\_  
 Devices: ☐ Seat restraints ☐ Air bag ☐ Helmet ☐ Child restraint ☐ None ☐ Unknown  
 How Injury Occurred: (e.g. auto/truck collision)  
☒ GUN: ☐ Handgun—caliber/make \_\_\_\_\_ ☒ Shotgun—gauge/make Frangible "breaching" round  
☐ Rifle—caliber/make \_\_\_\_\_ ☐ Other \_\_\_\_\_ ☐ Unknown  
☐ INSTRUMENT: ☐ Blunt ☐ Sharp ☐ Description: \_\_\_\_\_  
☐ TOXIC AGENTS SUSPECTED: ☐ Alcohol ☐ Others \_\_\_\_\_  
☐ DROWNING: ☐ Bathtub ☐ Lake ☐ Ocean ☐ Pond ☐ Pool ☐ River ☐ Other \_\_\_\_\_  
☐ Flotation device \_\_\_\_\_ ☐ Nonswimmer ☐ Boat Activity: \_\_\_\_\_  
☐ FIRE: Suspected Cause \_\_\_\_\_ Smoke Detector ☐ Yes ☐ No Operational ☐ Yes ☐ No  
☐ FALL/JUMP: From \_\_\_\_\_ to \_\_\_\_\_ Approximate distance \_\_\_\_\_ feet  
☐ CIRCUMSTANCES OF VIOLENCE: ☐ Domestic Violence ☐ Murder/Suicide (or attempted)  
☐ Child Abuse/Neglect ☐ Feticide ☐ Elder Abuse/Neglect ☐ Drug-Related Scene ☐ Sports Recreation  
☐ Hunting Incident ☐ Police Action ☐ Gang  
☐ OTHER: \_\_\_\_\_

## DESCRIPTION OF PREMISES

### INJURY OR ILLNESS:

☒ Inside ☐ outside ☐ house ☒ apartment ☐ trailer ☐ hotel/motel ☐ nursing home ☐ adult home  
☐ retail estab. ☐ school ☐ hospital ☐ jail ☐ restaurant/bar ☐ parking lot  
☐ wooded area ☐ farm pasture ☐ farm pond ☐ city park ☐ workplace ☐ highway  
☐ other (specify) \_\_\_\_\_

### PATH:

☒ Inside ☐ outside ☐ house ☒ apartment ☐ trailer ☐ hotel/motel ☐ nursing home ☐ adult home  
☐ retail estab. ☐ school ☐ hospital ☐ jail ☐ restaurant/bar ☐ parking lot  
☐ wooded area ☐ farm pasture ☐ farm pond ☐ city park ☐ workplace ☐ highway  
☐ other (specify) \_\_\_\_\_

## MEDICAL HISTORY

☐ none ☐ alcoholism ☐ asthma ☐ cancer ☐ cirrhosis ☐ COPD ☐ CVA ☐ diabetes ☐ dementia ☐ depression  
☐ drug abuse \_\_\_\_\_ ☐ hepatitis ☐ hip fracture ☐ hypertension ☐ ischemic heart disease  
☐ mental illness \_\_\_\_\_ ☐ seizure disorder ☐ smoking ☐ recent pregnancy  
☐ recent trauma \_\_\_\_\_ ☐ organ tissue donor ☐ unknown \_\_\_\_\_  
☐ other \_\_\_\_\_  
☐ If suspected SIDS: Position when laid down \_\_\_\_\_ Position when found \_\_\_\_\_  
 MD/Institution \_\_\_\_\_  
 Medications: \_\_\_\_\_

Circumstances of Death	Name	Address	Relationship to Decedent
Found Dead by	Richmond police SWAT team		
Last Seen Alive by	"		
Witness to injury or illness and death			

When no autopsy send toxicology: ☐ Blood ☐ Urine ☐ Vitreous ☐ Other \_\_\_\_\_  
 Decedent: Christie Green

See ME Report

84

Description of Body: ☐ Clothed ☐ Unclothed ☐ Partly Clothed

List Clothing: \_\_\_\_\_

Height \_\_\_\_\_ in. ☐ estimated Weight \_\_\_\_\_ lb. ☐ estimated

Hair color \_\_\_\_\_ Eye color \_\_\_\_\_ Pupils: R \_\_\_\_\_ L \_\_\_\_\_ Beard \_\_\_\_\_ Mustache \_\_\_\_\_

Body Heat: ☐ Warm ☐ Cold ☐ Ambient ☐ Refrigerated ☐ Other

Rigor: ☐ Jaw ☐ Neck ☐ Arms ☐ Legs ☐ Passing ☐ Absent ☐ Embalmed ☐ Other \_\_\_\_\_

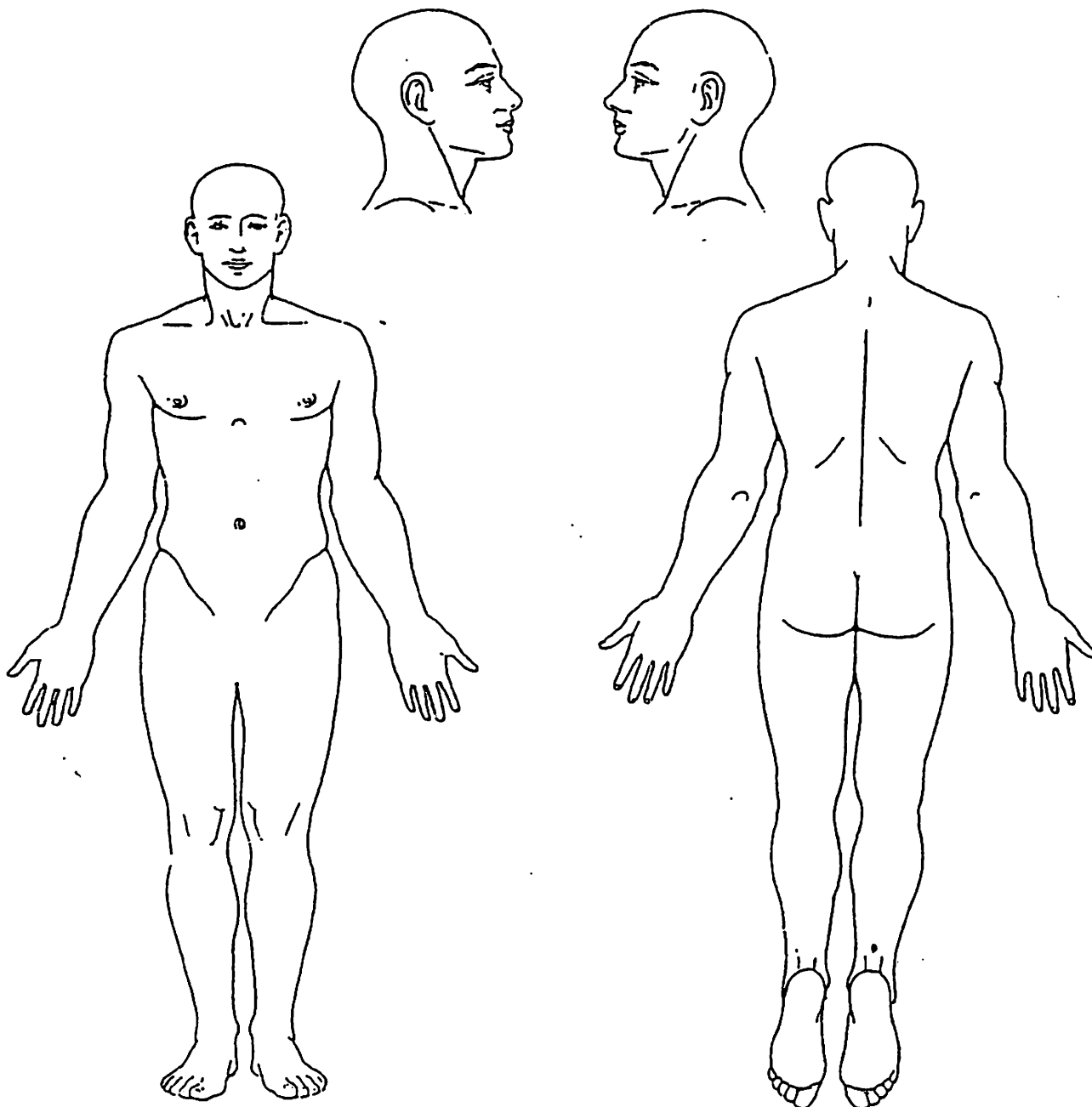
Livor: ☐ Blanches ☐ Fixed Color: ☐ Purple ☐ Pink/Red ☐ Indeterminant ☐ Other \_\_\_\_\_

Livor Location: ☐ Anterior ☐ Posterior ☐ Left ☐ Right ☐ Regional (specify) \_\_\_\_\_

Exam: Mark wounds and medical therapy on body diagram if autopsy not performed at OCME.

A=Abrasion. B=Burn, C=Contusion. F=Fracture. G=Gunshot. I=Incised. L=Laceration,

M=Mark of therapy specify, S=Stab, SC=Scar. T=Tattoo



Decedent: Christie Green

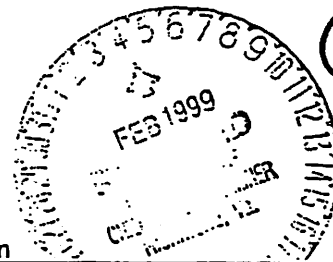
This 18 yo black woman was shot during an exchange of gunfire between Richmond Police SWAT team and occupants of an apartment. The decedent was found dead on the kitchen floor of the apartment. She had gunshot injuries to the right upper chest. Several guns were recovered from the occupants of the home. Heroin was also found at the residence. The SWAT team used only zinc based ammunition to fire "breaching" rounds at the backdoor entrance so they could gain access to the apartment. The occupants of the home, which included children and several adults, surrendered to police.

Decedent: Christie Green

DEPARTMENT OF HEALTH  
ICE OF THE CHIEF MEDICAL EXAMINER  
400 EAST JACKSON STREET  
RICHMOND, VIRGINIA 23219

Autopsy No. 897-98  
Date/Day 12/30/98 - Wednesday  
Time 0800 hours

REPORT OF AUTOPSY  
Page #1



DK  
2/2

DECEDENT Christie Green

Autopsy Authorized by: Dr. Venus Azar M.E. for Richmond City

BCDY IDENTIFIED BY:

Visual (Richmond City Police Dept.)

PERSONS PRESENT AT AUTOPSY:

S. Knight, Dr. Samantha Wetzler (MCV); Dep. Chief Theresa Gooch,  
Lts. David Martin & Robert Hosick, Dets. Ray Williams,  
Tom Leonard & John Buckovich (Richmond City Police Dept.)

Rigor: jaw, neck, hands Livor: not visible Distribution:  
Age: 18 Race: black Sex: female Length: 54 1/2" Weight: 170 lbs Eyes: brown Hair: black hair  
weave Body Heat: refrigerated

CLOTHING, PERSONAL EFFECTS, EXTERNAL WOUNDS, SCARS, TATTOOS, OTHER IDENTIFYING FEATURES:

CLOTHING: Wearing brown boots, white socks, blue denim pants (unzipped and unbuttoned), boxer shorts, purple jacket (ten holes on the front of the right sleeve and right front upper right shoulder and right collar: no visible powder residues), previously cut "Ralph Lauren" green shirt (with one large hole in right upper chest area), previously cut "David Taylor" white T-shirt (with seven holes in the front, gray powdery particles on both sides of the shirt near the defects). All of the clothing is bloody. There are gray powdery particles on the clothing. There are wood particles on the clothing.

PERSONAL EFFECTS: Right front jacket pocket - Polaroid photograph; price tag, toothbrush; left front jacket pocket - candy wrapper; left denim pants pocket - twenty-five cents, lip balm, "Kentucky Fried Chicken" receipt, Gold-tone earrings with the name of "DeeDee".

EXTERNAL EXAMINATION: Well developed, well nourished, black female. Hands in paper bags. Dried blood on face, chest, and abdomen. Gray powdery particles on hands and face. Film of blood on both sides of both hands and legs in no pattern. The fingernails are without injury. The fingernails and toenails are painted. Blood under fingernails. No visible powder residues on hands. Well healed scars, both knees. Striae, abdomen, hips and buttocks. Faint red discoloration on the back. Burn scar, right upper chest in area of shotgun wound.

EXTERNAL WOUNDS: Punctate abrasions, face below eyes, neck and upper chest. 1/4 inch linear purple contusion, left side of face. 1/8 inch contusion, right lower lip buccal mucosa. Shotgun wound to be described below. Bloodless linear abrasion, left thumb. Pink contusion, right upper arm. Fragments of a frangible slug were recovered on the body at the scene by Dr. Azar from the medial chest wounds.

X-RAYS: Slug fragments on chest film, one slug fragment on abdominal film. Diffuse hazy dispersion of slug particles on chest film.

HISTORY: Shot while police serving a warrant.

PATHOLOGICAL DIAGNOSES:

Shotgun Wound of Chest: On the right upper chest are four entrance wounds. The most medial entrance is a double entrance connected by a small tissue bridge. The entrance wounds dimensions are given from medially to laterally

(a) 11 inches from top of head, 3 3/8 inches right of anterior midline, 3/4 x 5/8 inch irregular rounded with drying edges and a marginal abrasion;

(b) 11 inches from top of head, 4 1/2 inches right of anterior midline, 3/4 x 7/8 inch irregular with dried edges and an irregular marginal abrasion;

(c) 11 1/2 inches from top of head, 5 1/2 inches right of anterior midline, 1/4 inch diamond shaped irregular with a marginal abrasion;

(d) 12 inches from top of head, 7 inches right of anterior midline, 3/4 inch rounded with dried edges and an irregular marginal abrasion;

no visible residues are present on any of the wounds.

(Continued on Page #2)

Cause of Death: Shotgun wound of chest.

THIS IS A COPY OF THE  
FINAL AUTOPSY REPORT

Provisional Report: 12/30/98

Final Report 2/2/99 DK

The facts stated herein are true and correct to the best of my knowledge and belief.

1-6/99 Richmond City  
Date Signed Place of Autopsy

Deborah Kay, M.D.  
Signature of Pathologist  
Deborah Kay, M.D.  
Office of the Chief Medical Examiner  
400 East Jackson Street  
Richmond, Virginia, 23219

(d:00a51)

A COPY TESTED: SEP 14 1999  
C. J. Lee, D.D.  
VIRGINIA DEPARTMENT OF HEALTH

Autopsy No. 897-98  
Date/Day 12/30/98 - Wednesday  
Time 0800 hours

REPORT OF AUTOPSY  
Page #2

87

DK  
2/2

DECEDENT

Christie

Green

PATHOLOGICAL DIAGNOSES (Continued):

The shotgun wounds course to the right and downward through the soft tissues. The two medial wounds create a path that enters the chest cavity through the right second to third intercostal space medially with fractures of the right second and third ribs. The small wound (c) only involves the soft tissues. The most lateral wound causes an entrance into the chest through the right fourth to fifth intercostal space laterally with fractures of the right fourth and fifth ribs.

The wounds then become confluent. There are multiple perforations of all lobes of the right lung. There are perforations of the esophagus and a perforation of the thoracic aorta. A slug portion penetrates the left lower lobe of the lung where a sizeable fragment is recovered. There are also perforations in the posterior pericardium with disruption of the posterior left atrium and intra-atrial septum. 200 ml of blood are in the right chest cavity, 450 ml of blood are in the left chest cavity, and 30 ml of blood are in the pericardial sac. Fragments of a frangible shot slug are recovered in the chest wall and along the wound path. A fragment is also recovered in the abdominal aorta directly above the renal arteries (slug embolus). There are multiple frangible fine slug particles in the blood in the pleural cavities and pericardial sac. The general direction of the shotgun wound is front to back, right to left, and downward. The wound path is hemorrhagic.

No shotgun cup or wad are recovered (bloody cavity fluid strained).

Postmortem Toxicology: Blood - alcohols, opiates, and cocaine/benzoyllecgonine not detected.  
Vitreous - alcohols not detected.

Deborah Kay, M.D.  
Deborah Kay, M.D.

# GROSS DESCRIPTION

Autopsy #897-98  
Page #3

88

DK  
1/6

SERUS CAVITIES: Adhesions of right upper lobe of lung to pleura. Smooth and glistening except where injured. Peritoneum contains no blood.

HEART: 252 grams. Injuries as described. Normal size and shape. Coronary arteries arise normally, follow their usual course, and are widely patent. Right dominant system. Valves thin and filamentous. Myocardium dark red-brown and firm except where injured. Ventricular septum intact. The foramen ovale is probe patent.

AORTA: Slight intimal staining. Injuries as described.

NECK ORGANS: Thymic remnant present. Strap muscles unremarkable. Hyoid bone and larynx intact. Thyroid gland within normal limits. There is a small amount of blood in the airway.

LUNGS: 433 grams combined. Injuries as described. Pink parenchyma except where injured. Bilateral atelectasis. Bilateral interlobar adhesions

LYMPH NODES: Within normal limits.

LIVER: 1,110 grams. Pale. Diaphragmatic right lobe of liver adhesions to diaphragm, otherwise unremarkable.

GALLBLADDER: Contains 8 ml of bile. No stones are present. The mucosa is unremarkable.

SPLEEN: 97.5 grams. Wrinkled capsule. Parenchyma within normal limits.

PANCREAS: Autolyzed.

ADRENAL GLANDS: Within normal limits.

GI TRACT: The esophagus is injured as described. Stomach Contents - 250 ml of pink semisolids with purple chewing gum and pink stained unrecognizable food particles. The gastric mucosa is arranged in the usual rugal folds. Small and large bowel unremarkable. Appendix present.

KIDNEYS: 199 grams combined. Pale. Within normal limits.

BLADDER: Urine present.

GENITALIA: External - unremarkable and without injury. Internal - no injury. White discharge present. Nabothian cysts present. Small cysts in both ovaries. No evidence of pregnancy.

BRAIN & MENINGES: 1,167 grams. The external configuration and cut surfaces of the brain are unremarkable.

SKULL: 5 x 3 inch left temporofrontal subgaleal hemorrhage. No fractures.

RIBS: Injured as described.

VERTEBRAE: Within normal limits.

PELVIS & EXTREMITIES: No fractures.

## MICROSCOPIC SECTIONS: Lung.

OTHER LAB PROCEDURES: TOX X PHOTO X DENTAL      FINGERPRINTS      MICRO X X-RAY X HEPATITIS      HIV       
SER (GROUP)      PERK X GSR X ACCELERANTS      BACTERIOLOGY      VIROLOGY      OTHER     

## DISPOSITION OF EVIDENCE:

FORENSIC SCIENCE - Clothing, bags from hands, four bullet bags, PERK kit, GSR kit, sheet from body bag.  
INVESTIGATOR - Polaroid photo from jacket, two Polaroid photos taken during autopsy.  
FUNERAL HOME - Remainder of personal effects.  
TOXICOLOGY - Iliac and pericardial sac blood.  
OCME - Liver, bile, DNA card (iliac blood), and urine.

89

DK  
2/2

Lung: Disruption of parenchyma with associated hemorrhage.

SUMMARY:

This eighteen year old black female was shot while police were serving a warrant.

She died as a result of a shotgun wound to the chest which was caused by a frangible slug. There were significant injuries to the aorta, lungs, and heart. Fragments of the shotgun slug were recovered.

Postmortem toxicology was negative for alcohols, opiates, and cocaine/benzoylcegonine.

CAUSE OF DEATH:

Shotgun wound of chest.

PATHOLOGIST:

Deborah Kay, M.D.

DECEDENT:

Christie Green

DATE COMPLETED:

2/2/99

AUTOPSY #

897-98



Thoracic abdominal, front, back, anterior and posterior views.

Name Christie Greene

Autopsy No. 897-98

(90)

Age 18 Race B Sex F

Date 12 / 31 / 98

William H. Hay, M.D.

Old Burn scar?  
Unk + ground at  
entrances.

punctate  
abrasions

drying edges  
marginal abrasion  
3 3/8" RAM  
11" TOH

3/4" x 7/8" irregular  
4 1/2" RAM  
11" TOH

1/4" diamond shaped  
irregular  
5 1/2" RAM  
11 1/2" TOH

3/4" entrance  
rounded  
dried edges  
marginal abrasion  
irregular  
7" RAM  
12" TOH

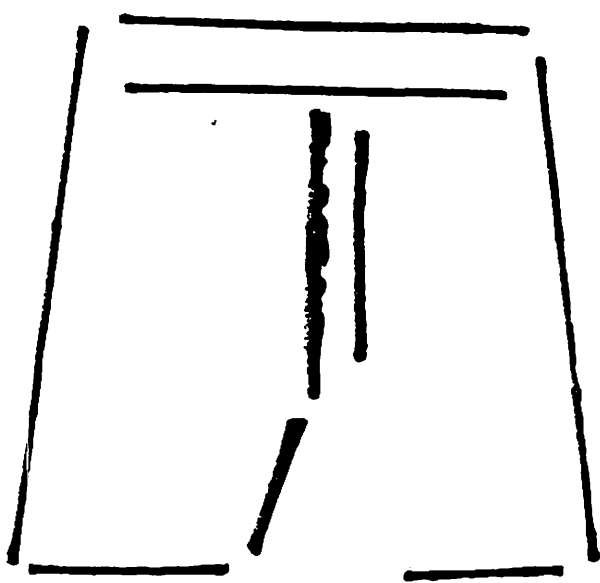
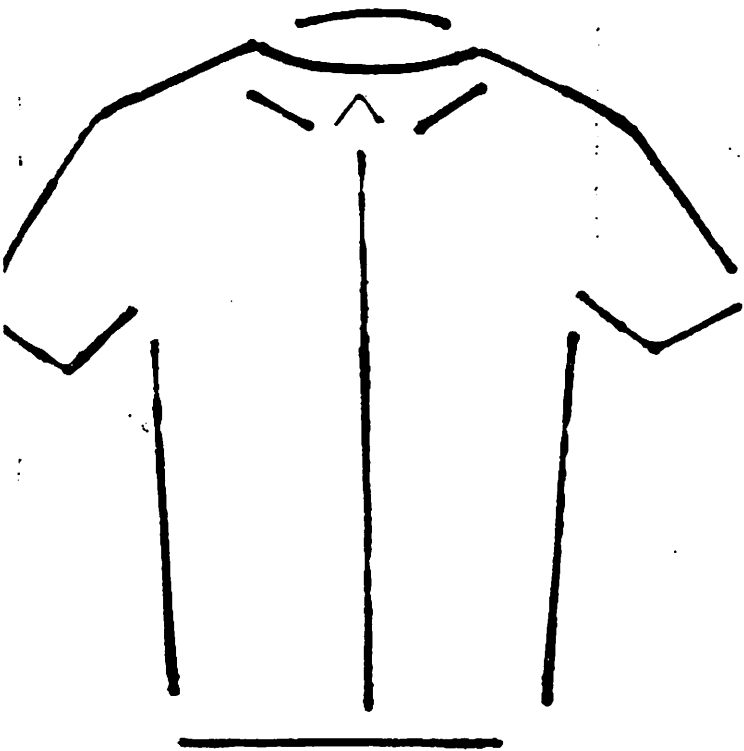
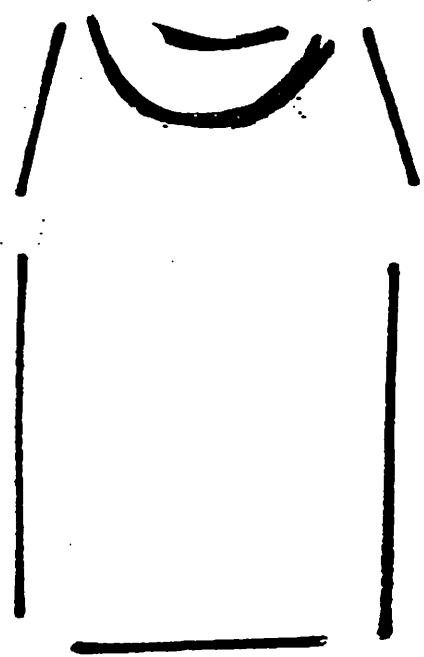
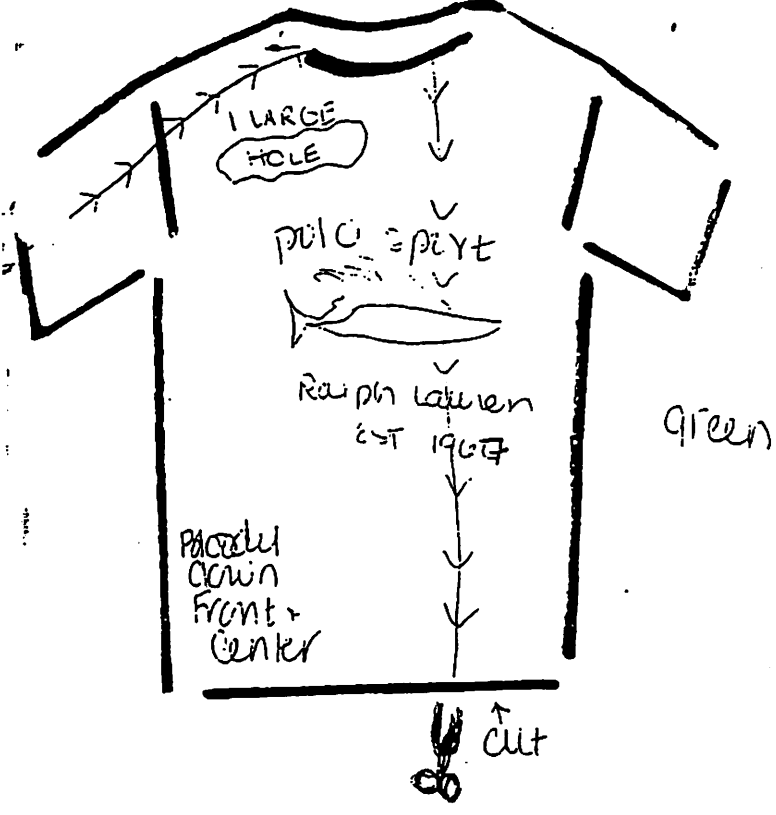
pink  
contusion

Shotgun  
entrance  
wound.

Cal. No. 44-1-003-00



92



Name Christie Greene  
Examined  
By SGW Date 12/30/97

OKay, MD.

93

Name Christie Green

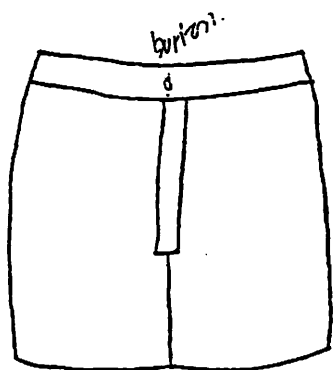
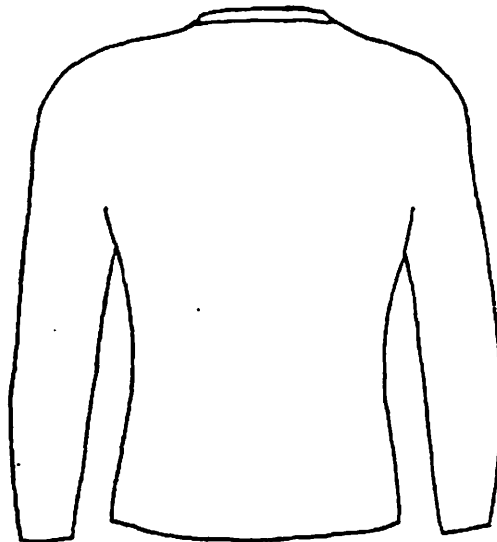
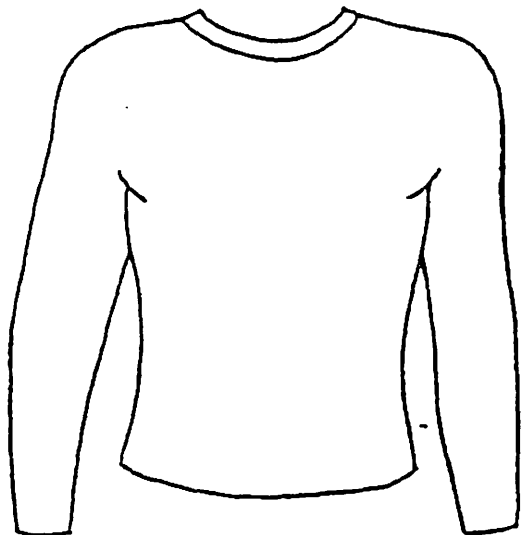
Autopsy No. 897-98

Age 18

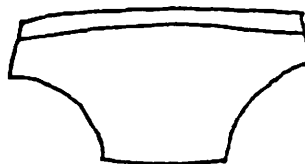
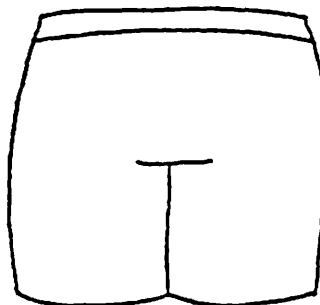
Race B

Sex F

Date 12/30/98

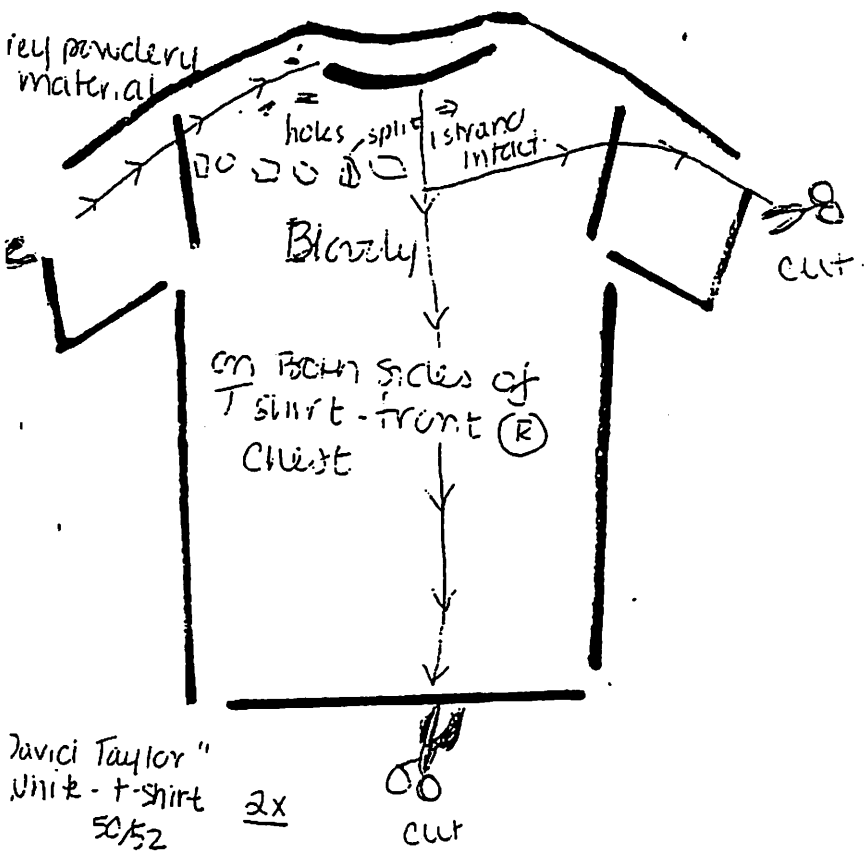


- Silly boxers
- Christmas pattern
- Fly - centrally

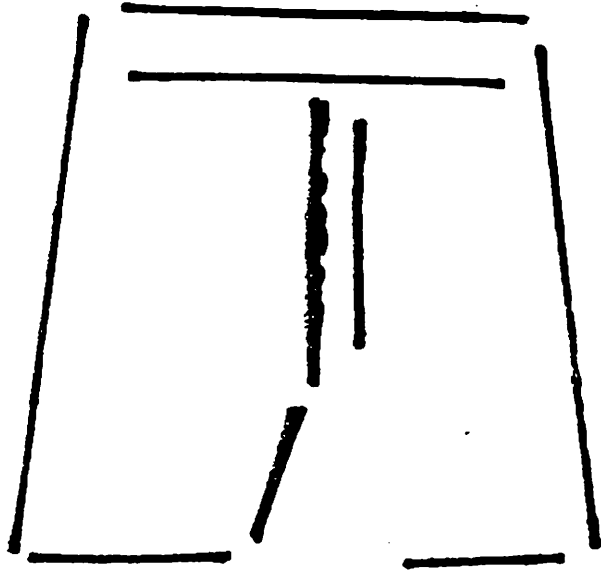
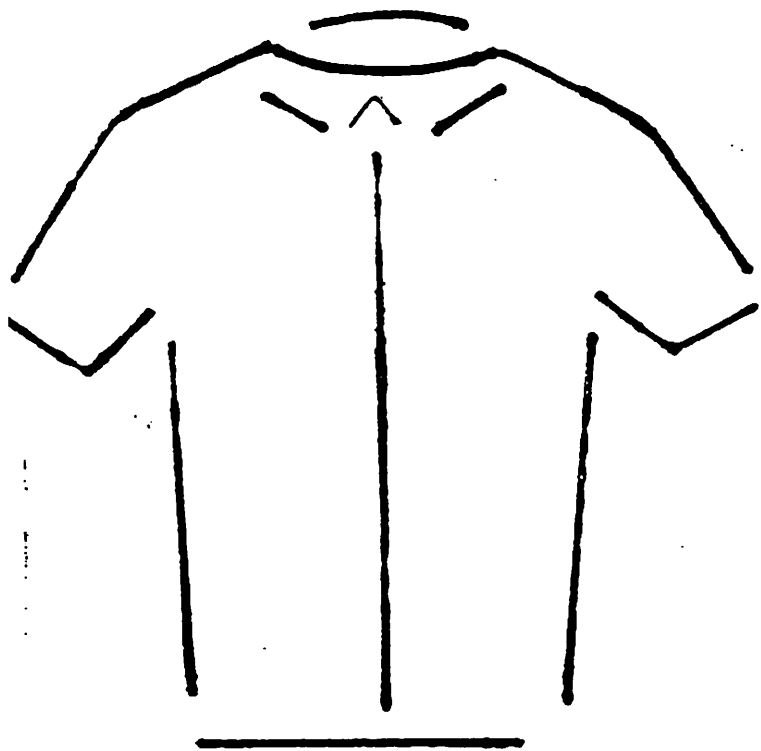
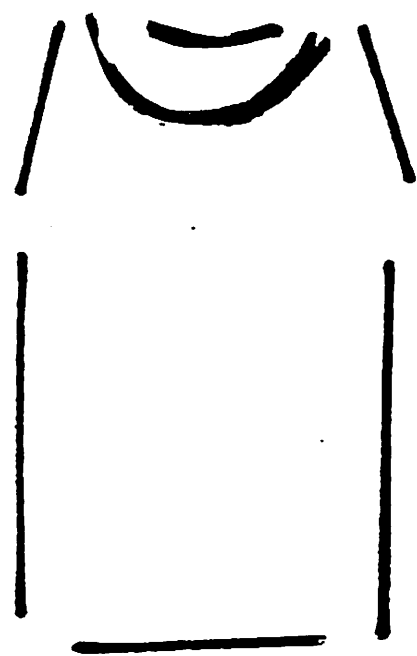


Examined By SIBLO

Date 12/30/98

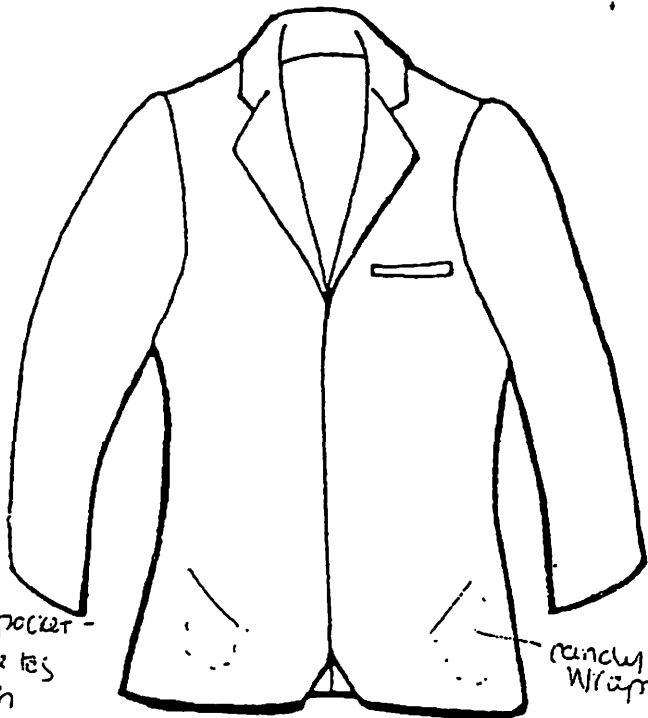


94



Name Christie Greene 897-98  
 Examined By ASB Date 12/30/98

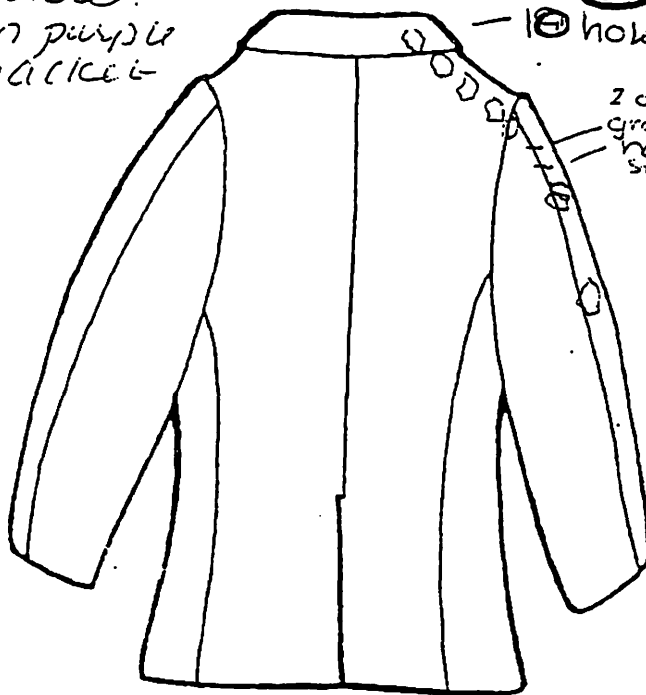
Okay, MD



nt pocket -  
price tag  
mark

randy  
wrapper

Scattered  
Blood  
on purple  
jacket



(95)

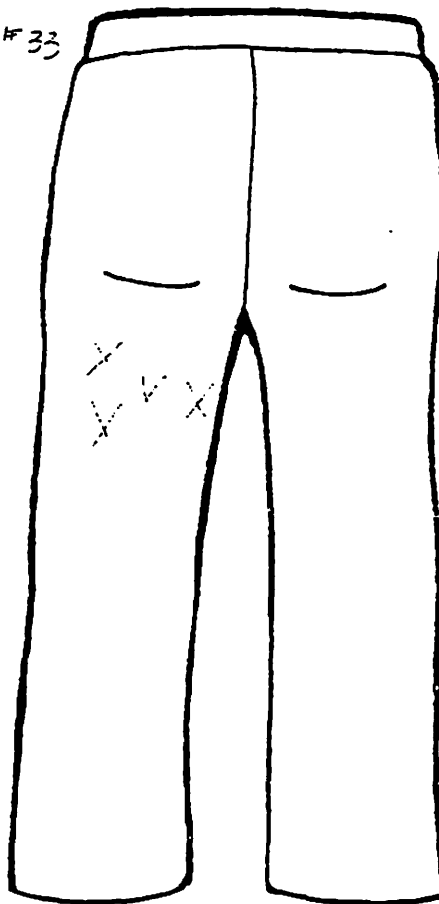
10 holes

2 are  
graze  
holes  
small



s were  
by  
Azan  
scene  
zipped.  
unbuttoned  
ern.

CK JEANS sz #33



Blood +  
Wet

Worksheet  
897-98

Commonwealth of Virginia  
Office of the Chief Medical Examiner

Decedent's Name Christie Greene

Examined By SGW

Date 11/98



Commonwealth of Virginia  
Department of Criminal Justice Service  
DIVISION OF FORENSIC SCIENCE

ORIGINAL

96

CERTIFICATE OF ANALYSIS

January 22, 1999

Central Laboratory  
P.O. Box 999  
Richmond, VA 23209

Tel. No.: (804) 786-4707  
Fax: (804) 786-5557

TO: DEBORAH KAY, M.D.  
OFFICE OF THE CHIEF MEDICAL EXAMINER  
400 EAST JACKSON STREET  
RICHMOND VA 23219

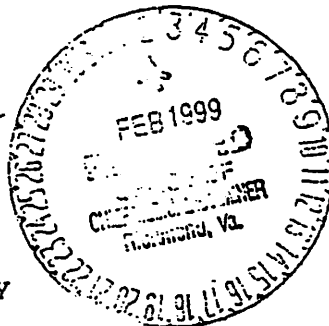
Your Case #: 897-98

Victim(s): GREEN., Christie

Suspect(s): - - -

Evidence Submitted By: Warren Skelly

FS Lab #C99-172



Date Received: 01/05/99

Item TX1 Two vials of blood  
Item TX2 One vial of vitreous

RESULTS:

Blood: - Ethanol not detected.  
- Methanol, isopropanol, acetone not detected.  
- Opiates not detected.  
- Cocaine/Benzoyllecgonine not detected.  
Vitreous Humor: - Ethanol not detected.  
- Methanol, isopropanol, acetone not detected.

Attest:

I certify that I performed the above analysis or examination as an employee of and in a laboratory operated by the Division of Forensic Science, and that the above is an accurate record of the results of that analysis or examination.

Joseph J. Saady, Ph.D.  
Forensic Toxicologist

JJS/pth

1999 04 09  
A COPY FILED  
C. J. Saady, D.O.  
Chief Medical Examiner

129353





LESSON PLAN

COVER SHEET



CORE: SWAT OPERATIONS

SUBJECT: BREACHING TECHNIQUES

LEARNING GOALS: OFFICERS WILL BE FAMILIAR WITH VARIOUS METHODS  
AND TOOLS USED TO GAIN ACCESS TO VARIOUS LOCATIONS.

TARGET GROUP: SWAT TEAM TIME ALLOTTED: 4 HOURS

METHOD OF INSTRUCTION: LECTURE

TRAINING AIDS, SUPPLIES AND EQUIPMENT NEEDED: CLASS ROOM,  
AUDIO / VISUAL, AND SWAT ENTRY EQUIPMENT.

INSTRUCTIONAL VIDEO / USE OF HALIGAN TOOL.

REFERENCES USED: ARTICLE FROM POLICE MARKSMAN 11-12/92, BY

MICHAEL A. BLACK / THE TOOLS OF THE RAID. MANUFACTURES

REFERENCE MATERIAL, DEFENSE TECHNOLOGY CORPORATION, PARATECH

INC. AND FIRE HOOPS UNLIMITED INC.

PREPARED BY: John A. Venuti DATE: 1-9-97

APPROVED BY: Lieutenant John B. Buckovich DATE: 1-9-97

**PERFORMANCE OBJECTIVES**

Students will have the necessary knowledge to demonstrate the operational uses of the following:

A- TKO, 12 Gauge Frangible Slug.

B- Haligan Tool.

C- Ram / Sledge Hammer.

D- Eurst Rabbit Tool.

Students will articulate circumstances that are taken into consideration prior to the selection of the proper breaching tool.

**METHEOD OF  
EVALUATION**

Shubert No. 5117

Document #109

PERFORMANCE  
OBJECTIVE

TITLE BREACHING TECHNIQUES

INTRODUCTION- The breacher's paramount responsibility is to afford a timely entry for the entry team with a little loss of surprise as possible.

- 1) Webster's definition- a broken, ruptured, or torn condition or area.
- 2) Dynamic entry is predicated on commitment. Speed, surprise, shock, threat of violence. Other responsibilities of breacher
  - a- command of breach
  - b- remains at breach point until called in.
- 3) Vulnerability of the whole team until entry is effected.
- 4) Primary goal- the most force with the least amount of effort.  
Force the door to bow, using the door itself as a prying tool to destroy the door jam.

I. TARGET CONSIDERATIONS

- A. Know what door or breach point is made of / Interior / Exterior doors, Storm doors.
- B. Know which direction door opens, inward, outward. If hinges are visible the door will swing in that direction.
- C. Be aware of physical hazards at breach points- windows.
- D. Use what cover is available at breach point if any.
- E. Physical limitations- tight spaces, dexterity of breacher. Glass panels can be broken out prior to breaching.
- F. Increased ballistic protection / full facial protection.
- G. Alternate breaching plan and equipment. Always have an alternate breach point.
- H. Designate tool man to bring breaching tools to the breach point for the breacher.
- I. Must always be familiar with tool and its operation prior to use.
- J. Generally, residential type buildings, exit doors swing inward. Exception- public housing dwellings open outward for fire exit purposes.
- K. Differs from narcotics breaching, destruction of evidence vs threat level.

II. BREACHING TOOLS

- A. Sledge Hammer
  1. Light weight hand held, 8-10 pounds. Used to set Haligan tool, Hurst tool etc.
  2. Large hammer 12-14 pounds, handles can be shortened to shoulder width 24-26 inches.
  3. Can be used against interior doors, rear or unfortified doors.
  4. Handle can afford breacher protection from being stuck in front of the door.

74

Approximately 30 inches. 14,000 pounds

340

2. Can generate 14,000 pounds of kinetic force.
3. Effective in close quarters.
4. Can attack lock area, or hinge area.
5. Position of strike is critical.
- C. Two man ram
1. Should weigh no more than 85-90 pounds.
2. Should have a large striking area for maximum effect.
3. Can generate 20,000 pounds of kinetic force.
4. Both men should be equivalent in strength.
5. Force = mass times acceleration.

D. Haligan tool

1. Drop forged, for maximum strength and durability, blade surfaces are machined sharpened.
1. Used for exterior doors, burglar bars, and security gates.
2. Can be used to break padlocks, door knobs.
3. Duckbill- long smooth incline to force open windows and doors. Doors are attacked 3-4 inches below locking mechanism.  
Can also attack hinge areas if locking mechanisms are fortified.
4. Pike- long, sharp, and curved to fit padlocks and latches.  
Punching vehicle locks.
5. Standard claw- parallel opening for gas valve shut offs, locks and hasps.

E. Hurst tool

1. Two man operation, one sets the jaws, one pumps the tool.
2. Once tool is set no personnel are left in doorway.
3. Approximately 10,000 pounds of force to the jaws.
4. Similar tool was used to force open 109 doors at the World Trade Center bombing.
5. Generally attack area is below the dead bolt and doorknob.
6. Must be familiar with hydraulic release.

F. 22 T.K.O. 12 gauge Tactical Knock Out.

MANUFACTURES APPLICATION- When properly applied, this round is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and padlocks, on both hollow and solid wooden doors as well as standard hollow industrial doors. it is also effective on automobile door and trunk lock mechanisms.

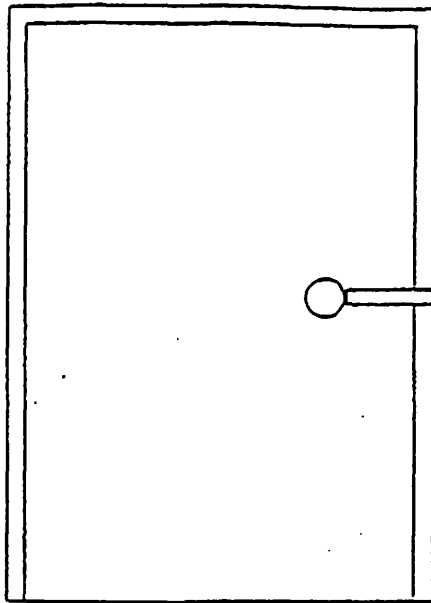
1. Attack throw area of the dead bolt usually, can also attack hinges.
2. Powdered zinc, no fragmentation, only possible fragmentation can come from the target.
3. Low recoil from shot can be held with one hand.
4. The slug is more uniform in weight making it more accurate than regular 12 gauge slug.
5. Can be used in standard police shotgun with No. 100 Stand-off / Launcher / ensures the proper distance between target and the barrel of the shotgun. Attachment will not

75

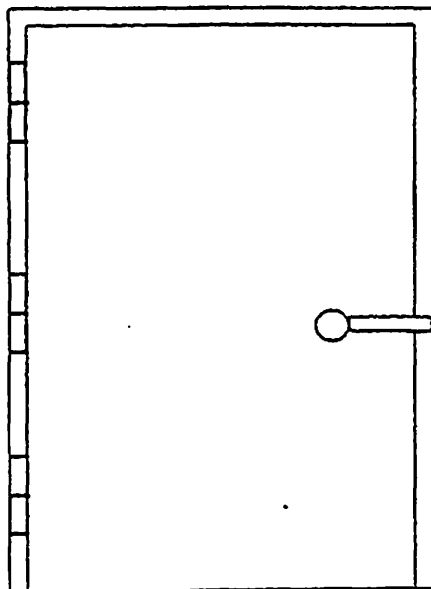
- (341)
6. TKO 1 round can be used on imm. late threats.
  7. TKO 1 round can be used as standard ammunition in shots when being used in dwellings as a safety round to prevent multiple room and wall penetration.
  8. Can be used on dogs inside structures/ evisceration w. occur.
  9. Originally designed by E.O.D. specialist as a disruptor round for bomb disposal.

### III OTHER TOOLS AND DEVICES

1. Bolt cutters
2. Crow and pry bars.
3. Fire hooks for removal of glass panes and large areas glass.
4. Hand held spring punches for fast access to vehicle interiors.
5. Hockey puck lock breakers, breaks flush locks, like roll commercial doors.
6. K-Tool, designed by NYC fireman, designed for strong locks and doors used in new construction. Pulls and cuts lock cylinders.

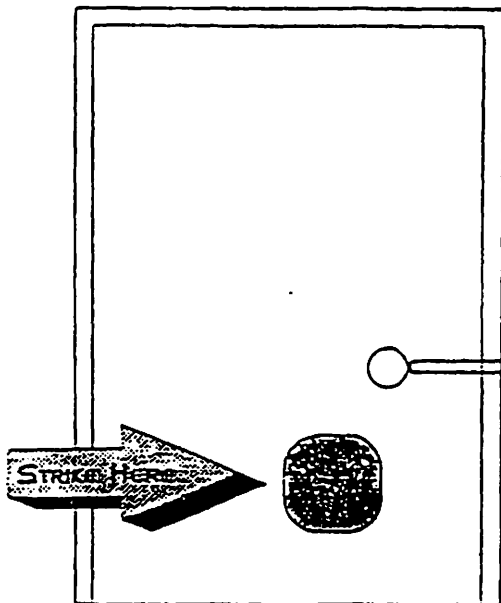


OUTWARD OPENING DOOR



## STANDARD LOCK

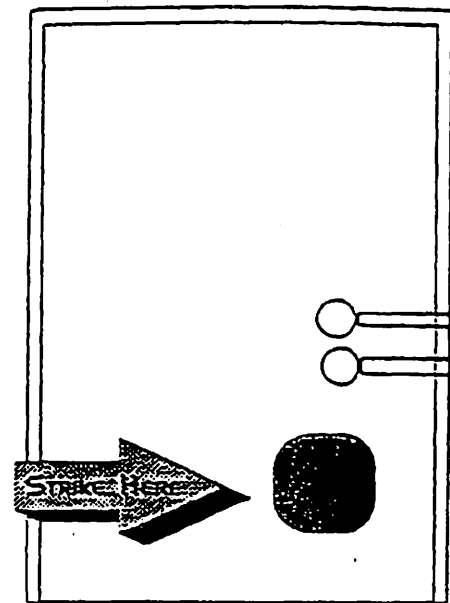
Solid Wooden Door 1 3/4 Inches Thick Wooden Doorjamb



The jamb is the weakest part. Striking here will break the wooden door and release the latch.

## ONE-INCH DEADBOLT

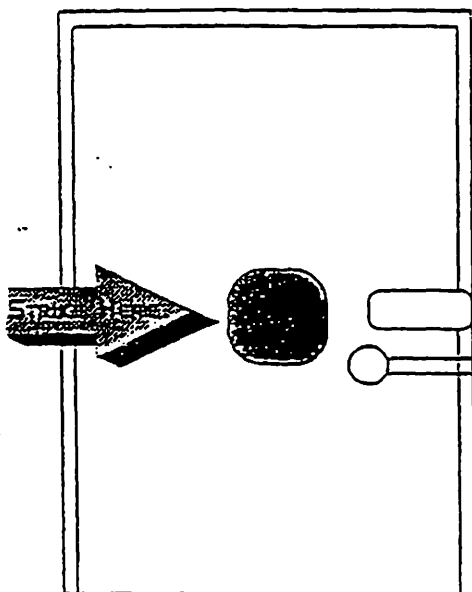
Solid Wooden Door 1 3/4 Inches Thick with Steel Doorjamb



A blow here will cause the door to bow inward, thus breaking the deadlatch and the deadbolt, as the frame gives away.

## JIMMY PROOF DEADBOLT

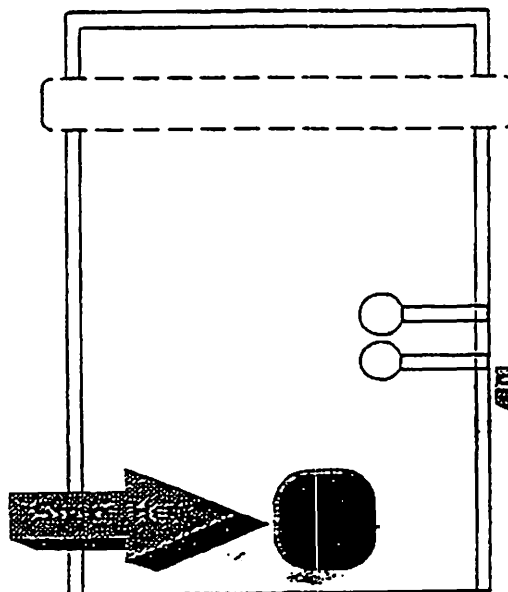
Solid Wooden Door 1 3/4 Inches Thick Wooden Doorjamb



Strike here with the ram. You must destroy the jamb because the lockplate is held on by heavy screws

## 2X4 (HELD BY 1 BRACKET) DEADBOLT & KNOB LOCK

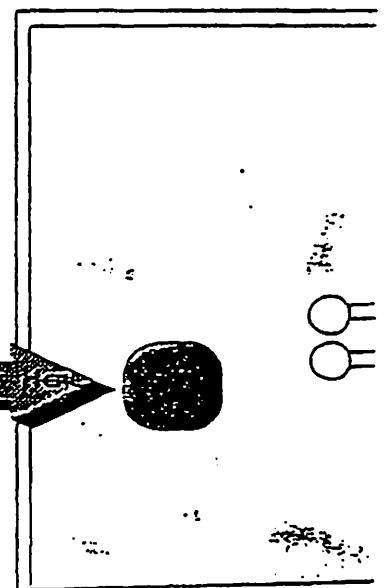
(Drops Horizontally)



You must strike low causing the door to bow inward from the bottom. This breaks the jamb and deadbolt first and then breaks the part of the jamb securing the brackets.

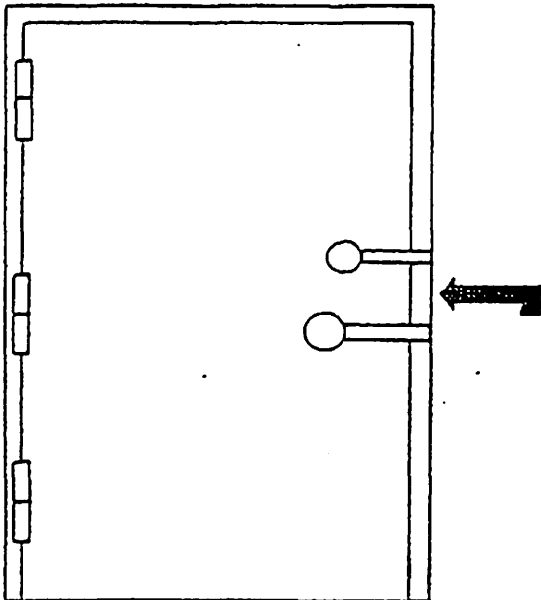
## RICHMOND, VA PROJECT DOOR

Reinforced Kevlar



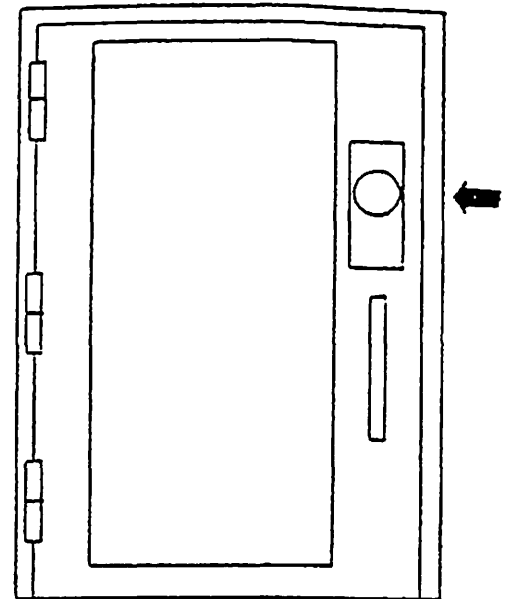
Strike in center of door to a bowing to defeat and break deadbolt from jamb.

### EXPOSED LOCKS



If the locks are exposed, wedge the halligan tool between the door and jamb, then pry outward.

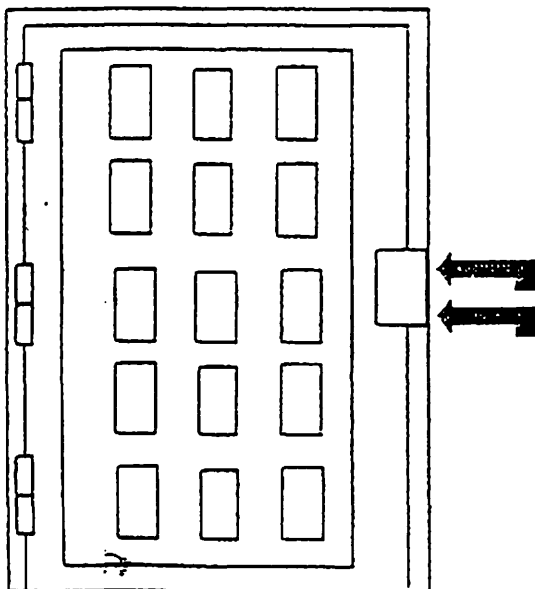
### ALUMINUM DOOR



Aluminum door with P deadbolt lock. Place the halligan tool between the door and the metal jamb and pry outward.

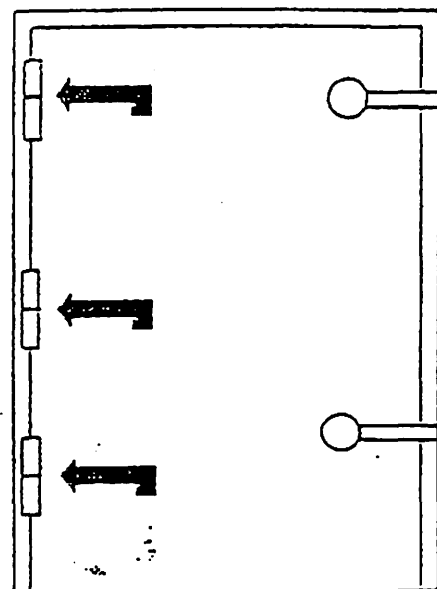
### JIMMY PROOF DEADBOLT

Solid Wooden Door 1 3/4 Inches Thick Wooden Doorjamb



Steel bar door that opens out is secured by deadbolt latch and lock plate. Pry outward or attack hinges. Pry with halligan tool or guardian tool above and below lockplate. Door will pop open.

### MULTIPLE LOCKS



If there are multiple locks on the door, it may be more expedient to attack the hinges with halligan tools

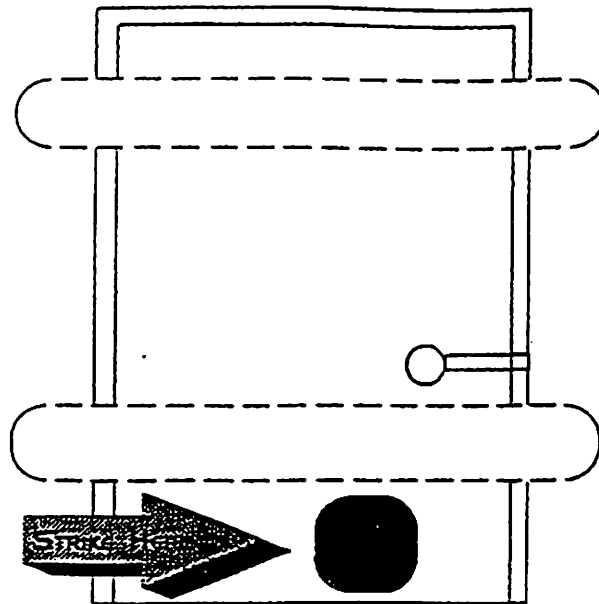


**DOUBLE 2X4 HELD BY  
"L" BRACKETS**

OPEN INWAF

345

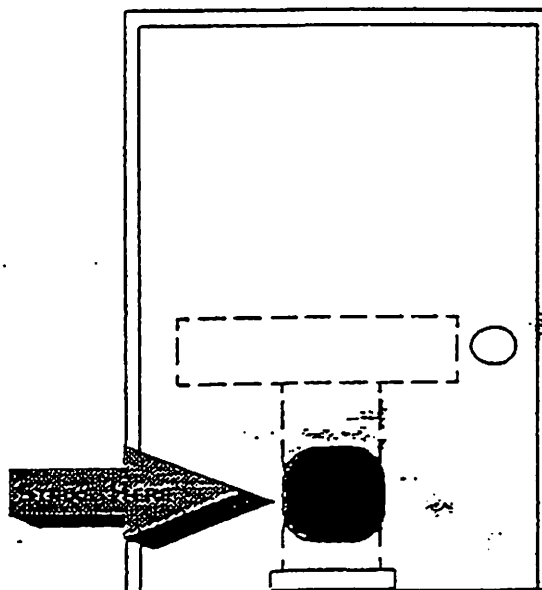
(High and Low)



Strike the door low. This causes the lower brackets to break first, then the upper brackets will give away.

**NEW YORK PROP FRONT & REAR**

Wooden Brace Nailed to Floor.



A blow here will cause the door to bow inward, thus breaking the deadlatch and the deadbolt, as the frame gives away.

# HAZMAT HOOLIGAN TOOLS

## SPARK RESISTANT HAZMAT HOOLIGAN TOOLS

These heavy duty forcible entry tools were designed for emergency service personnel operating in the presence of hazardous vapors and combustible residues\*. Combining the design of one of the world's most popular forcible entry tools and manufactured from spark resistant material, makes this an important addition to your HazMat tool arsenal.

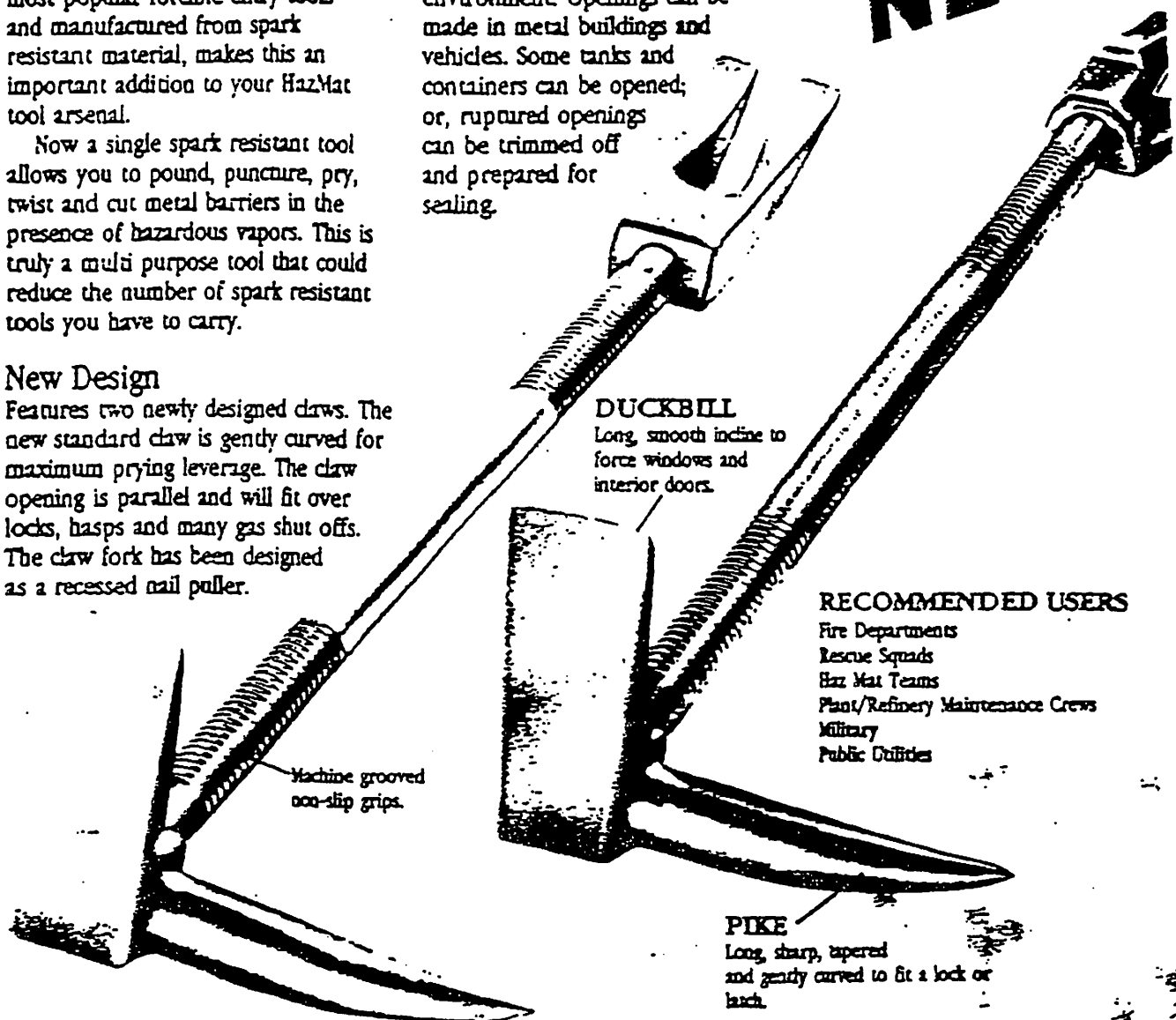
Now a single spark resistant tool allows you to pound, puncture, pry, twist and cut metal barriers in the presence of hazardous vapors. This is truly a multi purpose tool that could reduce the number of spark resistant tools you have to carry.

### New Design

Features two newly designed claws. The new standard claw is gently curved for maximum prying leverage. The claw opening is parallel and will fit over locks, hasps and many gas shut offs. The claw fork has been designed as a recessed nail puller.

The new metal cutting claw combines the capability of prying and metal cutting. This metal cutting claw operates like a large can opener and introduces a valuable new capability to emergency personnel in a hazardous environment. Openings can be made in metal buildings and vehicles. Some tanks and containers can be opened; or, ruptured openings can be trimmed off and prepared for sealing.

**NEW**



### RECOMMENDED USERS

Fire Departments  
Rescue Squads  
Haz Mat Teams  
Plant/Refinery Maintenance Crews  
Military  
Public Utilities

347

# THE K-TOOL

DEVELOPED BY A FIREFIGHTER FOR FIREFIGHTERS

DUE TO THE NEW & STRONGER DOORS AND LOCKS USED IN CONSTRUCTION OF NEW BUILDINGS, FORCIBLE ENTRY HAS BECOME AN INCREASINGLY LONGER AND HARDER TASK TO PERFORM. THE K-TOOL AND THE "THRU THE LOCK" METHOD OF FORCIBLE ENTRY PROVIDE A MODERN APPROACH TO THIS PROBLEM.

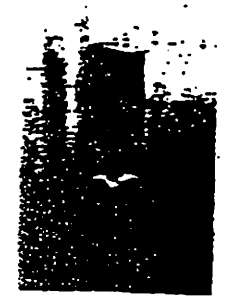
The complete K-TOOL unit includes:

K-TOOL  
SET OF KEY TOOLS  
LEATHER POUCH  
OPERATION MANUAL



Positioned above lock

- K-TOOL** A TOOL DESIGNED (BY A N.Y.C. FIRE LIEUT & LICENSED LOCKSMITH) TO PULL ALL TYPES OF LOCK CYLINDERS (RIM OR MORTISE) FROM THE VARIOUS GLASS TYPE OR SOLID DOORS.
- KEY TOOL** TOOL INSERTED INTO LOCK CYLINDER HOLE AFTER CYLINDER IS PULLED WHICH MOVES THE LOCK BOLT TO THE OPEN POSITION.
- MANUAL** A MANUAL PROVIDED TO EXPLAIN THE USE OF THE ABOVE TOOLS AND THE "THRU THE LOCK" METHOD OF FORCIBLE ENTRY.
- POUCH** A TOP GRAIN LEATHER POUCH DESIGNED TO CARRY THE K-TOOL & SET OF KEY TOOLS. PREVENTS LOSS & KEEPS THE TOOLS TOGETHER.
- SPECIFICATIONS** HIGH ALLOY STEEL  
REPLACEMENT BLADES  
SMALL IN SIZE  
LOOP ON TOOL TO RECEIVE ONE OF OUR STANDARD TOOLS FOR LEVERAGE.



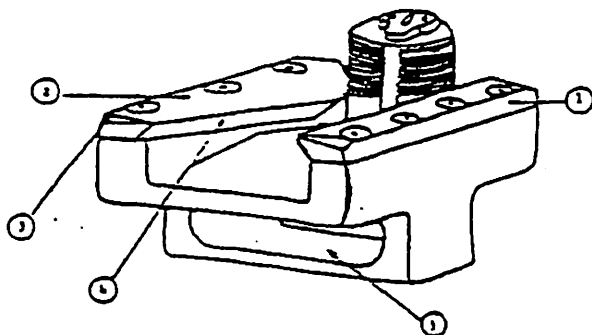
Forced on lock

\*\* EACH TOOL IS INDIVIDUALLY MACHINED \*\*

## \$105.50



Pulling lock



- 1 — SMALL STRAIGHT BLADE — PERMITS TOOL TO ENGAGE LOCK CYLINDER IN TIGHT AREAS.
- 2 — LARGE V BLADE — PERMITS TOOL TO ENGAGE ANY SIZE LOCK CYLINDER.
- 3 — BLADE ENDS TAPERED — PERMITS TOOL TO ENGAGE LOCK CYLINDER INSTALLED FLUSH IN THE DOOR.
- 4 — SHARP LEADING EDGES BOTH BLADES — PERMITS TOOL TO TAKE BITE INTO BODY OF LOCK CYLINDER.
- 5 — LOOP — CAN RECEIVE THE AZE OR FORK END OF ANY OF THE STANDARD FORCIBLE ENTRY TOOLS (TO PROVIDE LEVERAGE TO PULL CYLINDER FROM DOOR).



Key tool tripping lock

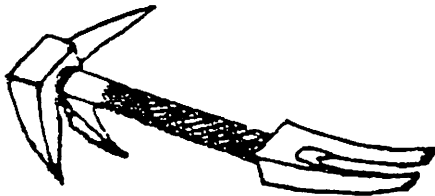
U. S. Patent No. 3,519,067

82

# L-L-PRO-BAR

348

THIS TOOL IS DESIGNED FOR THE FIREFIGHTER.  
TRULY THE PERFECT "TRUCKIE" TOOL.  
THE THIRD ARM OF A FIREFIGHTER.



\$50

## FEATURES:

- \*LOCKPULLER
- \*GAS SHUT-OFF
- \*NAIL PULLER
- \*LOCK PUNCHER
- \*PRYBAR

## TECHNICAL SPECIFICATIONS

OVERALL LENGTH— 12 INCHES

WEIGHT— 2 LBS.

MATERIAL— 4130 AIRCRAFT STEEL

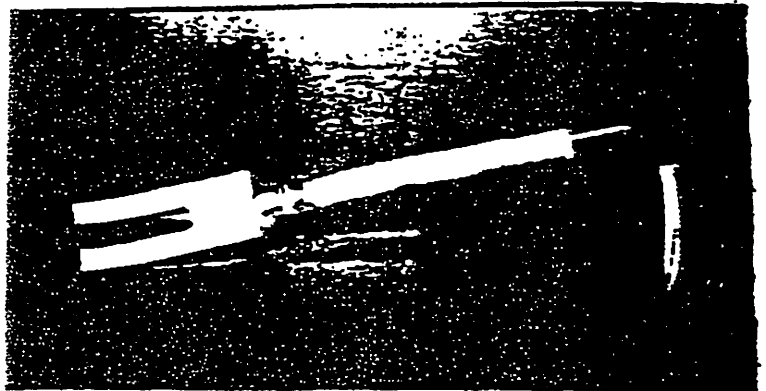
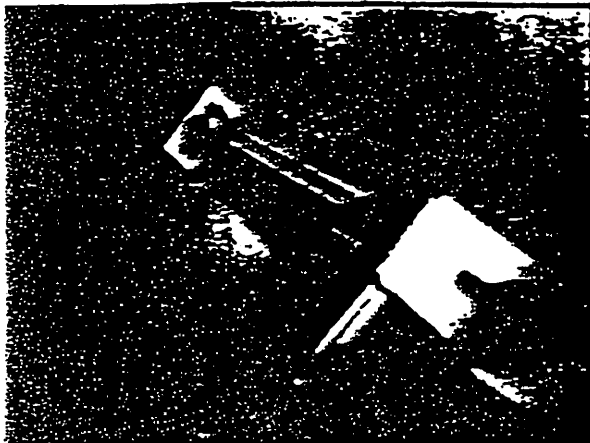
WELDS— SHAFT IS RECESSED INTO

FORK AND ADZ. HEAT TREATED

TO 42 ROCKWELL HARDNESS.

QUOTE: CAPTAIN BOB FARRELL  
ENGINE 82/ LADDER 31 SOUTH  
BRONX 1965-1977 N.Y.F.D.

" NO FIREFIGHTER OF ANY RANK  
SHOULD ENTER A FIRE BUILDING  
WITHOUT A TOOL IN HIS HAND."



## SHOVE KNIFE

### THE ORIGINAL SHOVE KNIFE

YOU ONLY NEED ONE  
DOES THE JOB OF THREE

OUR SHOVE KNIFE IS THE FASTEST, DAMAGE FREE MEANS  
OF OPENING RESIDENTIAL, OFFICE INTERIOR DOORS WITH  
KEY IN THE KNOB LOCKS. USED EXTENSIVELY IN FIRE  
TOWERS TO SLIP SPRING LATCH LOCKS.

THE DESIGN TAKES THE KNIFE WORK FROM EITHER SIDE  
OF THE DOOR. IF THE DOOR OPENS INWARD, YOU SHOVE  
THE KNIFE IN BACK OF THE MOLDING STOP AND RETRACT  
THE LATCH. FOR DOORS THAT OPEN TOWARDS YOU, THE  
KNIFE IS SLIPPED IN FROM ABOVE OR BELOW THE LATCH  
STOP AND JIGGLED AND PULLED TO RETRACT THE LATCH  
A PROTECTIVE SLEEVE IS ADDED WHEN NOT IN USE.



MODEL SK-6

THE FIRST RULE OF SHOTGUN  
BREACHING

ONLY THE BREACHER  
OPENS THE DOOR

## SHOTGUN BREACHING INTELLIGENCE REQUIREMENTS

- ▶ WHAT IS COMPOSITION OF DOOR?
- ▶ FRAME COMPOSITION?
- ▶ WHAT IS SWING ON DOOR ?
- ▶ WHAT ARE THE LOCKING OPTIONS ?
- ▶ WHAT ARE THE ATTACHING METHODS?
- ▶ ADDITIONAL DOOR HARDWARE?
- ▶ SHOTGUN AIMING POINTS?

---

---

---

---

---

---

---

---

---

---

85

351

DOOR OPENING

► FLUSH - WITH THE WALL

*REVERSE OPENING*

---

---

---

---

---

---

---

---

---

---

86

DATE

352

DOOR OPENING

► RECESSED FROM WALL

*INWARD OPENING*

89



## TYPES OF COMMON DOOR LOCKS

- ▶ MORTISE
- ▶ TUBULAR
- ▶ CYLINDER
- ▶ PADLOCK
- ▶ DEADBOLT

## HINGES

- ▶ TYPE OF HINGE
- ▶ NUMBER OF ATTACHING SCREWS AND THEIR PATTERN
- ▶ LOCATION OF HINGES

## ADDITIONAL DOOR HARDWARE

- ▶ CLOSURES
- ▶ DROP BARS
- ▶ PANIC BARS
- ▶ LOCKING PINS
- ▶ FOX LOCKS
- ▶ KELLEY BARS
- ▶ (CLUB) FOOT PIN

356

WHAT DETERMINES THE  
SHOTGUN AIMPOINT

IS THIS A CRISIS  
BREACH ?

---

---

---

---

---

---

---

---

---

---

90.1

### WHAT DETERMINES THE SHOTGUN AIMPOINT

- ▶ THE COMPOSITION OF THE DOOR
- ▶ THE COMPOSITION OF THE FRAME
- THEIR COMBINATION

## WHAT DETERMINES THE SHOTGUN AIMPOINT

- DOOR/FRAME COMPOSITION
  - WOOD DOOR - WOOD FRAME
  - WOOD DOOR - METAL FRAME
  - METAL DOOR - WOOD FRAME
  - METAL DOOR - METAL FRAME

90.3

## WHAT DETERMINES THE SHOTGUN AIMPOINT

- ▶ DOOR/FRAME COMPOSITION  
COMBINATION
- ▶ METHOD OF ATTACK
  - ▶ LOCKING SIDE
  - ▶ ATTACHING SIDE (HINGES)

360

**SHOTGUN AIMING  
WOOD DOOR - WOOD FRAME**

**LOCK SIDE ATTACK**

**AIM SHOTGUN WITH A 45-DEGREE  
DOWN ANGLE AT  
THE LATCHBOLT BETWEEN THE  
LOCK AND THE FRAME**

**SHOTGUN AIMING  
WOOD DOOR - METAL FRAME**

**LOCK SIDE ATTACK**

**SAME ATTACK  
AS A WOOD DOOR - WOOD FRAME**

**AIM SHOTGUN AT A 45-DEGREE DOWN  
ANGLE AT THE LATCHBOLT BETWEEN  
THE LOCK AND THE FRAME**

90.5



**SHOTGUN AIMING  
METAL DOOR - WOOD FRAME**

***LOCK SIDE ATTACK***

**AIM SHOTGUN AT A 45-DEGREE DOWN  
ANGLE AT THE FRAME SIDE OF THE  
STRIKER PLATE.**

**SHOOT STRIKER PLATE AND WOOD  
FRAME FROM THE LATCHBOLT**

**SHOTGUN AIMING  
METAL DOOR - METAL FRAME**

***LOCK SIDE ATTACK***

**AIM SHOTGUN AT A 90-DEGREE  
PARALLEL ANGLE AT THE LATCH  
BOLT BETWEEN THE LOCK AND THE  
DOOR FRAME**

**SHOT SHOULD EITHER , REMOVE THE  
LATCHBOLT OR ALLOW ENOUGH  
SPACE FOR IT TO RETRACT AND  
ALLOW ENTRY**

90.6

**SHOTGUN AIMING  
WOOD DOOR - WOOD FRAME**

---

***REVERSE OPENING DOOR  
HINGE ATTACK***

**AIM SHOTGUN AT A 45-DEGREE ANGLE  
1/2 WAY DOWN EACH HINGE ON THE  
DOOR SIDE.**

**SHOT SHOULD TAKE ENTIRE HINGE AND  
PUSH IT OUT THROUGH THE FRAME**

**SHOTGUN AIMING  
WOOD DOOR - METAL FRAME**

---

***REVERSE OPENING DOOR  
HINGE ATTACK***

**AIM SHOTGUN AT( THE DOOR SIDE)  
SPACE BETWEEN THE SCREW PATTERN  
ON EACH HINGE**

**AT LEAST TWO (2) ROUNDS PER HINGE**

**SHOTGUN AIMING  
METAL DOOR - WOOD FRAME**

---

***REVERSE OPENING DOOR  
HINGE ATTACK***

**AIM SHOTGUN AT A 45-DEGREE ANGLE 1/3  
THE WAY DOWN EACH HINGE ON THE  
DOOR SIDE.**

**FIRE AT LEAST 2 ROUNDS AT EACH HINGE**

**SHOT SHOULD TAKE ENTIRE HINGE AND  
PUSH IT OUT THROUGH THE FRAME**

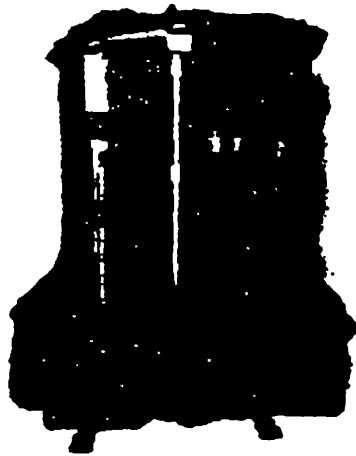
**SHOTGUN AIMING  
METAL DOOR - METAL FRAME**

---

***REVERSE OPENING DOOR  
HINGE ATTACK***

**AIM SHOTGUN AT( THE DOOR SIDE)  
SPACE BETWEEN THE SCREW PATTERN  
ON EACH HINGE**

**AT LEAST TWO (2) ROUNDS PER HINGE**



## Manual Entry Tool Back Pack

This back pack is designed to comfortably carry a Hooligan tool, a sledge hammer, and bolt cutters. It is made of 1000 denier Cordura nylon and is heavily padded with closed cell foam. Each tool has its own pouch and Velcro retention straps. The pouches are provided with a drain hole. All three tools are completely covered with top flap secured by either a heavy duty zipper and/or Fastex side release buckles. The back pack itself is

contoured to the shape of your back. The shoulder strap and chest strap are fully adjustable along with the waist strap. The main cover is closed by #9 YKK zipper and sliders with HawkTabs. Color: OD, Black, Camo, Tan

Note: Designed to fit shortened entry tools only.

563-60ME00

## Bolt Cutter Back Pack

This pack is designed for quick access to a large and/or small pair of bolt cutters. It is made of two layer 1000 denier Cordura nylon and padded with 3/8" closed cell foam. The cover flaps are secured by a side release buckle. The shoulder straps are fully adjustable with a sternum strap and a waist strap. Color: OD, Black, Camo, Tan

563-62MT02

364

Entry Tools

## BlackHawk

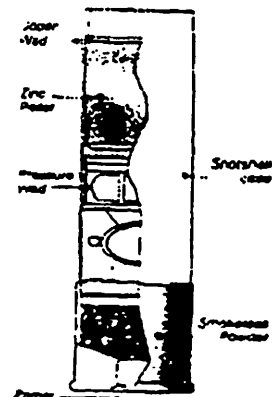
### Manual Entry Tool Quiver, 30"

### Manual Entry Tool Quiver, 26"

This unique product was designed in cooperation with highly trained door kicking operatives. It is designed to be extremely lightweight and to be worn over the shoulder quiver style. It has a fully adjustable 2" wide strap. Made of two layers of 1000 denier Cordura nylon and 3/8" closed cell foam. The top flap is adjustable and is secured by a side release buckle. There is a second external pouch for misc. tools and gear. Color: OD, Black, Camo, Tan

563-62AS00 30"

563-62MT01 26"



## NO. 22 T.K.O. (Tactical Knock-Out)

### 12 Gauge Frangible Slug

The No. 22 T.K.O. is a high velocity, 12 gauge, frangible slug, made of compressed powdered zinc, which disintegrates into a fine powder upon impact with the target. The only possible fragmentation would be from the target area rather than the slug itself.

This highly effective breaching round is a viable, faster alternative to the time consuming, cumbersome door breaking/ramming devices traditionally used. The recoil from the shot is low enough that the gun can be held with one hand if needed. The slug is more uniform in weight, allowing for greater accuracy.

**Operation:** Can be used in any standard police shotgun equipped with the No. 100 Stand-Off/Launcher attachment. The Stand-Off is vented, and insures the proper distance between the barrel of the weapon and the target, thus preventing any damages to the barrel. This attachment can also be used to launch the No. 98 Tactical Grenade, and can be left on the shotgun since it will not interfere with firing of standard shotgun ammunition.

031-3105



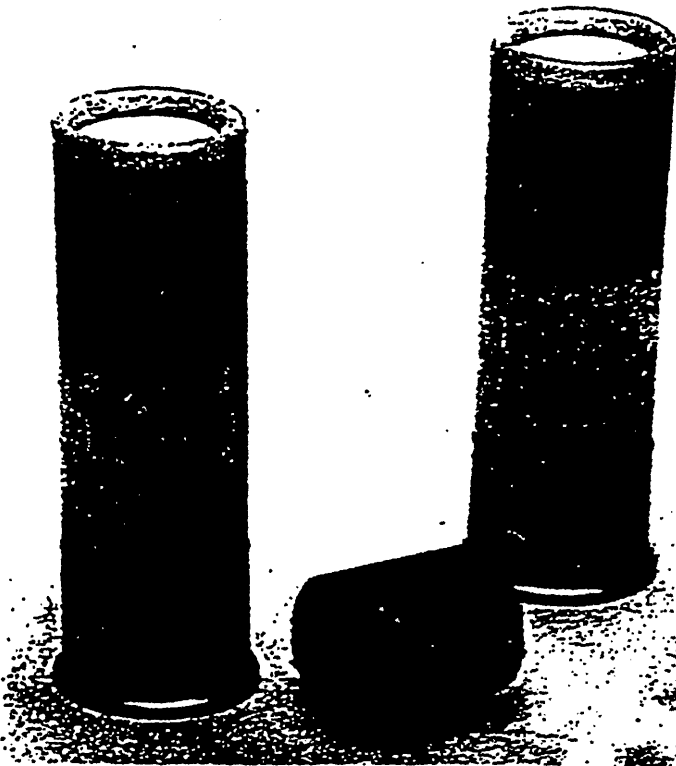
Need Pricing?  
How to Order.  
Call us at 1-800-368-3688

365

# NO. 22 T.K.O. (TACTICAL KNOCK-OUT) 12-GAUGE FRANGIBLE SLUG

The No. 22 T.K.O. is a high velocity, 12 gauge, frangible slug, made of compressed powdered zinc, which disintegrates into a fine powder upon impact with the target. The only possible fragmentation would be from the target area rather than the slug itself.

This highly effective breaching round is a viable, faster alternative to the time consuming, cumbersome door breaking/ramming devices traditionally used. The recoil from the shot is low enough that the gun can be held with one hand if needed. The slug is more uniform in weight, allowing for greater accuracy.



Specifications subject to change without notice.

➤ **APPLICATION:**

When properly applied, this round is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and padlocks on both hollow and solid wooden doors, as well as standard hollow industrial doors. It is also effective on automobile door and trunk lock mechanisms.

➤ **OPERATION:**

Can be used in any standard police shotgun equipped with the No. 100 Stand-Off/Launcher attachment. The Stand-Off is vented, and insures the proper distance between the barrel of the weapon and the target, thus preventing any damages to the barrel. This attachment can also be used to launch the No. 98 Tactical Grenade, and can be left on the shotgun since it will not interfere with firing of standard shotgun ammunition.

➤ **CONSTRUCTION:**

Compressed powdered zinc slug loaded in a 12-gauge shotshell.

➤ **DESIGN FEATURES:**

**CALIBER:** 12 gauge

**SLUG WEIGHT:**

21.3 grams ± 3 grams

**TOTAL WEIGHT:** 125 grams

➤ **PERFORMANCE:**

**VELOCITY:** 1,800 f.p.s.

Slug disintegrates upon impact

➤ **REFERENCES:**

NO. 22 T.K.O.:

Product Code 3105\* §

NO. 100 Stand-Off / Launcher

Attachment:

Product Code 1370

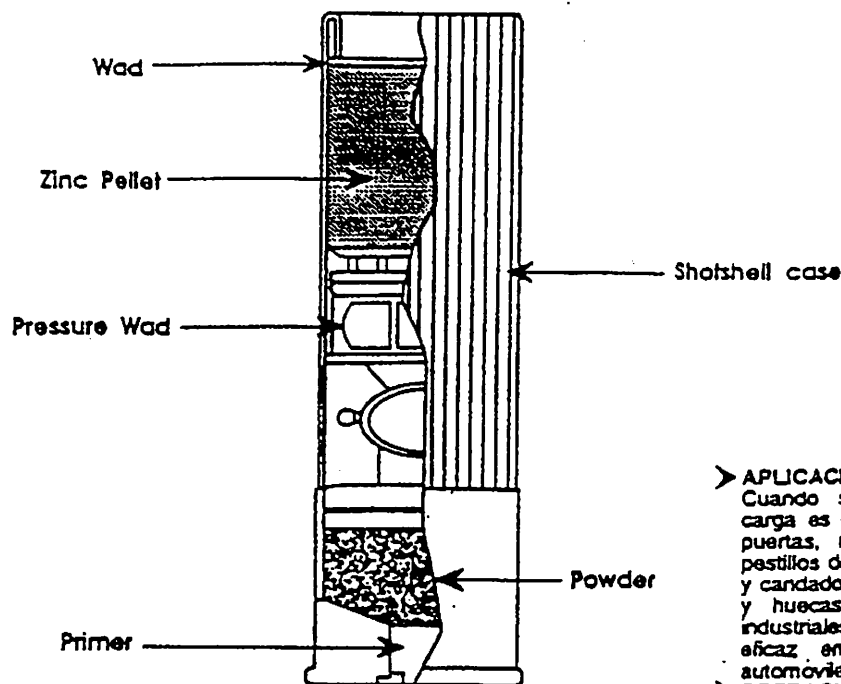
\*Sold in pack of 10 for \$19.95

**DEFENSE TECHNOLOGY CORP. OF AMERICA**

**P.O. BOX 240 - 2136 OIL DRIVE - CASPER, WYOMING, 82604-1511-U.S.A.**

**(800) 733-3832 - (307) 235-2136 - FAX (307) 473-2605**

366



## NO. 22 T.K.O. (TACTICAL KNOCK-OUT) 12-GAUGE FRANGIBLE SLUG

### > APLICACION:

Cuando se usa apropiadamente, esta carga es capaz de vencer cerraduras de puertas, manijas de puertas, bisagras, pestillos de resorte, cadenas de seguridad y candados en puertas de madera solidas y huecas, como tambien en puertas industriales comunes huecas. Es tambien eficaz en cerraduras de puertas de autom6viles y camiones.

### > OPERACION:

Puede usarse con cualquier escopeta estandar de la policia que cuente con el accesorio de soporte impulsor No. 100. El soporte impulsor es con ventilacion y asegura la distancia apropiada entre el cañon de la arma y el blanco, evitando asi cualquier daño al cañon. Este accesorio puede ser usado tambien para lanzar la Granada Tactica No. 98 y puede permanecer en la escopeta puesto que no interferira al disparar las municiones estandar de la escopeta.

### > CONSTRUCCION:

Bala con polo de zinc comprimido cargado en un cartucho de de calibre 12.

### > CARACTERISTICAS DE DISEÑO:

Calibre: 12

Peso de la bala:

21,3 gramos  $\pm$  0,3 gramos

Peso total: 1,25 oz.

### > RENDIMIENTO:

Velocidad: 1.600 pies por segundo Bala se desintegra al impacto

### > REFERENCIAS:

No. 22 T.K.O.:

Codigo del Producto 3105\*

Accesorio de soporte impulsor No. 100:

Codigo del Producto 1370

\*Vendido solamente en paquetes de cinco.

EXCLUSIVE MANUFACTURERS OF -

DEF-TEC PRODUCTS

12/30/98

On 12/29/1998 I responded with the SWAT Team to 1112<sup>EC</sup> Dove Street to serve a high risk search warrant.

I was assigned as a breacher for the team assigned the limited penetration mission on the kitchen door located on the #2 side of the structure.

I approached the door with Sgt. Jack King, and Tim Degraeve. On the breach command I shot the dead bolt lock on the kitchen with five rounds of TR0 from a 870 Winchester. The door failed to open, I then employed the one man ram to complete the entry to the kitchen.

I observed one male, a female another female who appeared injured, and two small children (one who was trapped 73 under the injured female). I knelt down removed my helmet and balaclava and called out to the juvenile leaning by the uninjured female. I extracted the first child. The male and uninjured female were cuffed and removed from the

Document #40

PENGAD-Beynon, N. J.

kitchen. The injured female was moved  
I then extracted the second child. This  
child was covered in blood - I handed  
her to the medical personnel who had  
been called up. I retrieved my equipment  
then redeployed with the SART team  
to the Academy.

*[Signature]*  
GREGORY T. TROON

74



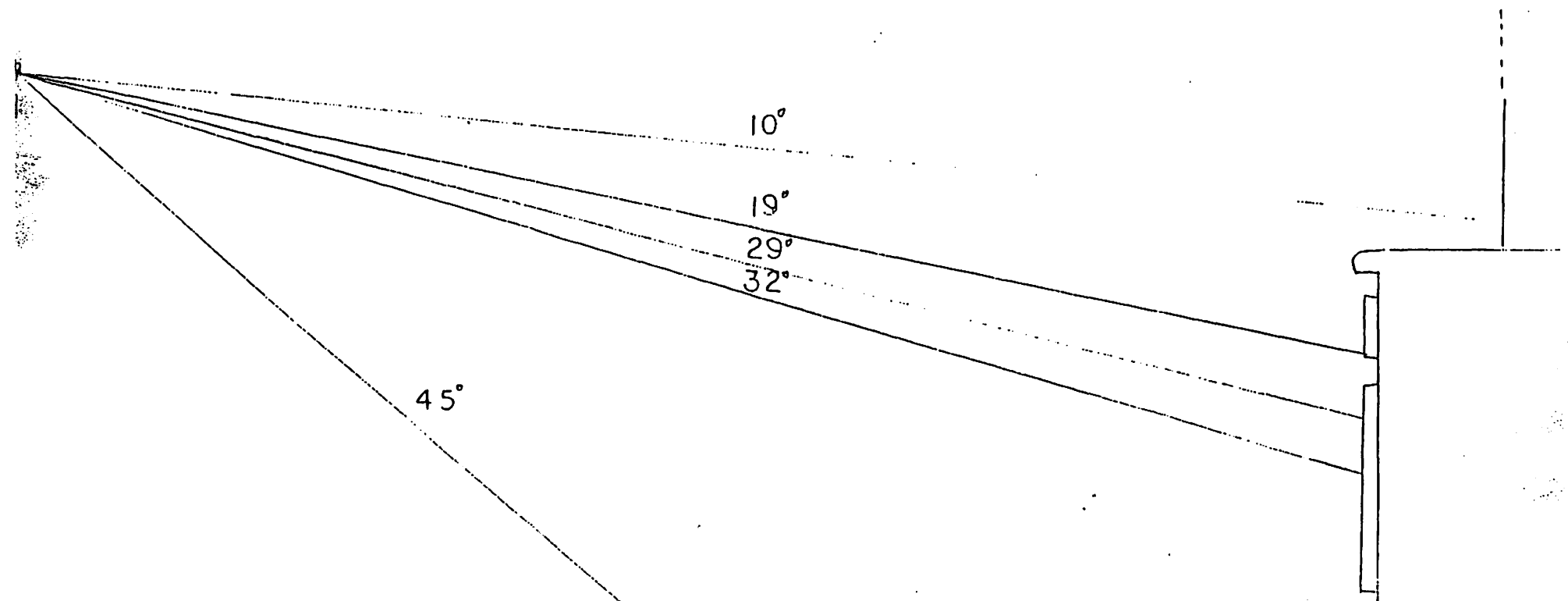
Top of entry hole

These drawings are based on  
measurements taken from  
Richmond Police photos

— = 1 foot

Blumberg No. 6517  
Document #117

66



Bottom of entry hole

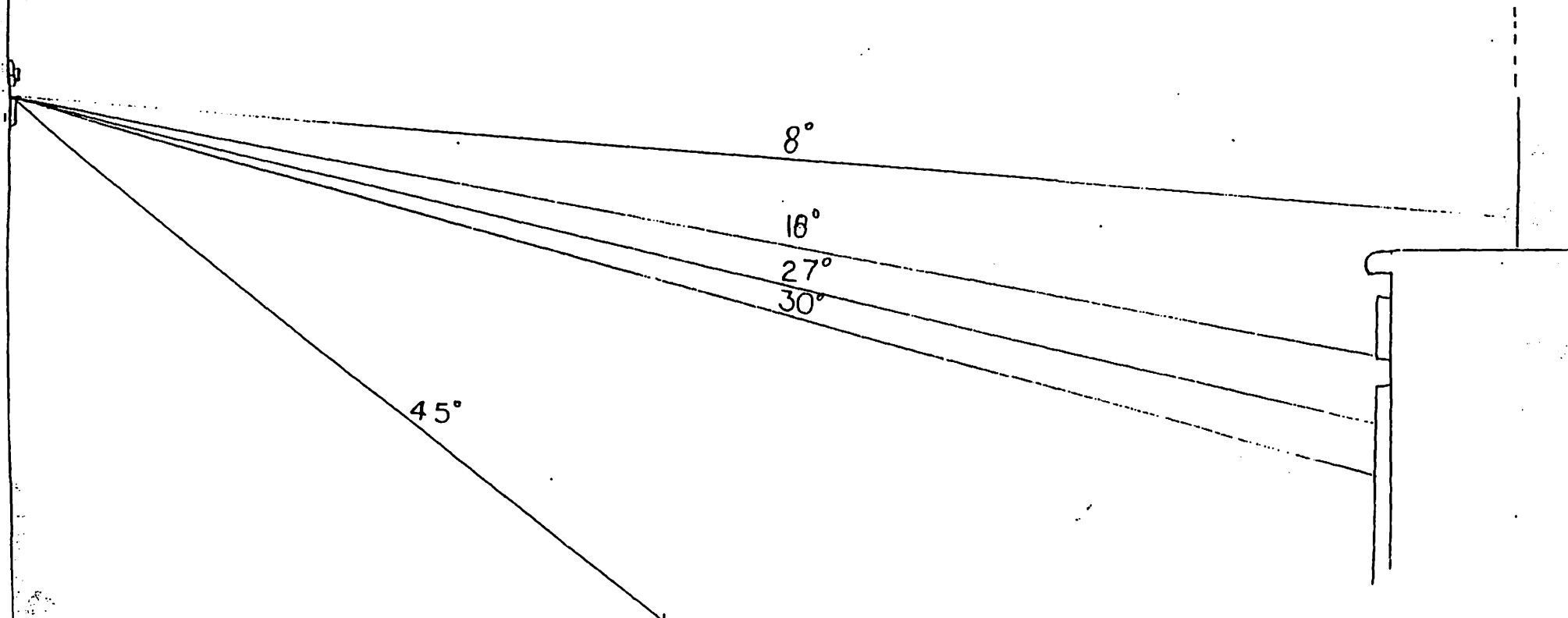
These drawings are based on  
measurements taken from  
Richmond Police photos

380

| = 1 foot

Document #118  
Blumberg No. 6517

67



# POLICE

THE LAW ENFORCEMENT MAGAZINE

A BOBIT PUBLICATION

PLUS: **488**  
MURDER PLOT FOILED  
Before It Got Too Thick



Exploring the Psychology of  
Training For Today's Officer



**DEFIBRILLATORS  
CHARGE UP**  
America's Police Response

Shumberg No. 4117  
Document #191

# Breaking Barriers: The Shotgun as a Breaching Tool

*This is one weapon  
that can do double  
duty, providing safer  
and faster tactical  
forced entries.*

When properly employed, a shotgun is an extremely versatile breaching tool that can offer a number of advantages over other methods of breaching during high-risk dynamic entries. Shotgun door breaching is quicker than manual door breaching, jamb spreading or ramming. It is safer and requires less training than explosive entry. At all times, the shotgun remains effective as a defensive weapon.

Shotgun breaching is not limited to just doors. Shotguns can also be employed to breach iron-barred windows, take out sliding glass doors, dislodge the shackles of padlocks, and defeat vehicle trunk and door mechanisms with little, if any, collateral damage to the vehicle's interior.

## Important Features

Not every shotgun is suitable for breaching operations. Compactness, maneuverability and the ability for rapid "double taps" are important features for a breaching shotgun to have. A pistol-gripped semi-automatic shotgun with a barrel length of 18 inches or less works best. The choke of the shotguns is also important. Although some breaching rounds may be safely fired from a shotgun with a modified choke, many breaching rounds can only be safely fired from a shotgun with a cylinder choke or improved cylinder choke.

The shotgun must be equipped with a 3-inch muzzle standoff device for safety. The

standoff, called a "breacher," is affixed to the end of the barrel and vents muzzle gas pressure. With the breacher affixed, the shotgun can be fired with the muzzle standoff in direct contact with the jamb or door without any possibility of the barrel blowing up. Breachers are also designed to reduce muzzle jump and recoil.

## Safety in Breaching Ammo

Special 12-gauge breaching rounds with frangible slugs are used for breaching. Standard rounds aren't used since they would pose an extreme safety hazard. The slugs in breaching rounds are designed to disintegrate into a fine powder upon impact.

It is essential that the slugs do completely disintegrate upon impact and not re-fuse. If the slugs don't completely disintegrate, or if they re-fuse, the resulting shrapnel will pose a significant safety hazard. With some of the breaching rounds that are on the market there is the very real danger of the slugs re-fusing into larger particles as a result of the heat that's generated upon impact.

Re-fusing can occur with frangible slugs that are constructed of either compressed zinc or glued lead shot. Compressed zinc and glued lead shot have relatively low re-fusing temperatures. Zinc has a re-fusing temperature of 890 degrees F. Lead refuses at just 693 degrees F.

Frangible slugs that are constructed of either compressed copper or clay and extremely fine steel shot eliminate any possibility of re-fusing. Breaching rounds with clay/steel frangible slugs can be safely and effectively employed on both wood and steel doors, a versatility that provides definite logistical and tactical advantages.



PHOTOS COURTESY ROYAL ARMS INTERNATIONAL

R.J. Brill, president of Royal Arms International, demonstrates various breaching rounds.

BY EUGENE S. NIELSEN

Compressed copper frangible slugs have an accuracy advantage over clay/steel frangible slugs. But while clay/steel slugs don't have the accuracy of compressed copper slugs, they will work well as close-range defensive rounds.

Breaching rounds may also be employed for purposes other than breaching. The frangible slugs don't ricochet and may also be used for taking out streetlights and attacking dogs, with little consideration for over-penetration. Although they aren't designed with defense in mind, frangible slugs are extremely effective in this role against unprotected targets.

#### Angles to Consider

Breaching rounds are fired point-blank from the breaching shotgun directly at a door's locks, cross-bolts and/or hinges to defeat them. An iron-barred window is taken out by shooting out the three-eighths-inch top and bottom iron bolts on one side of the bars and then peeling back the bars. A sliding glass door can be taken out by shooting at a bottom corner of the door, one-inch above the frame, causing the glass to come straight down or "shovel" out a maximum of five feet on either side.

Breaching rounds are fired into the doorjamb, door or window bar bolt at a 45-degree angle and 45 degrees, up or



Close-up of a steel door defeated by a breaching round.

down (when attempting to breach a reinforced, security-type door, the rounds should be fired 20 degrees, up or down), depending on whether a lock, hinge, bolt or glass door is being defeated. Failure to follow these rules may result in seri-



*Breaching rounds are fired into the doorjamb, door or window bar bolt at a 45-degree angle and 45 degrees, up or down (when attempting to breach a reinforced security-type door, the rounds should be fired 20 degrees, up or down), depending on whether a lock, hinge, bolt or glass door is being defeated.*

ous injuries or death to anyone on the other side.

Because of the possibility of door fragmentation, eye protection is necessary for those engaged in breaching operations. Shotgun breaching should only be conducted by personnel who have received proper training by a qualified instructor. ■

Frangible breaching rounds are available from a number of ammunition manufacturers. Sources include:

Royal Arms International, P.O. Box 6083, Woodland Hills, Calif. 91365-6083; phone: (818) 704-5110; fax: (818) 887-2059.

MK Ballistic Systems, 2707 Santa Ana Valley Road, Hollister, Calif. 95023; phone: (800) 345-1504; fax: (408) 636-8657.

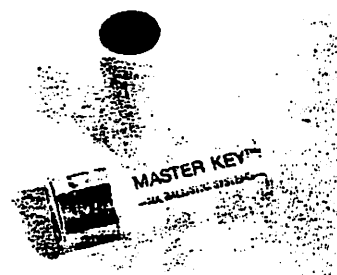
*Eugene S. Nielsen, a former police officer, provides investigative, consulting and training services. He is the author of numerous articles dealing with weapons and tactics, special operations and investigative techniques. He is a member of the American Society of Law Enforcement Trainers (ASLET).*



## MK BALLISTIC SYSTEMS

2707 Santa Ana Valley Road  
Hollister, CA 95023  
(831) 636-1504 • Fax (831) 636-8657

You're Never  
Locked Out When  
You Have The  
**MASTER KEY**



## FORCED ENTRY AMMUNITION



Completely frangible.  
Destroys locks and  
door fixtures.  
Built to meet U.S.  
Navy specification  
#HS/2024/C94/834

**800-345-1504**

Circle Reader Service No. 17

514

December 29, 1998

Michael R. Talbert 1722  
Training and Development Unit (Police Academy)  
S.W.A.T. Team member  
Entry Team - Side 4 (shield)  
Front door

On December 29, 1998, as a member of the Richmond Police S.W.A.T. Team, I participated in the service of a search warrant at 1112-C Dove Street, which is an apartment in Dove Court. The S.W.A.T. Team was serving the search warrant due to the threat level associated with the suspects in the apartment. During our briefing, we were told that the suspects were possibly armed with AK-47 type assault rifles. We were also told that at least one of the suspects had been involved in several violent crimes, more specifically shootings, and was a suspect in at least two murders.

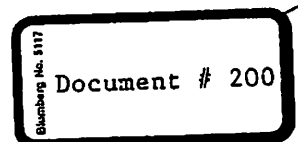
While the S.W.A.T. Team was performing a briefing at the Police Academy, Detective Venuti and Officer Cappelli notified us that a male suspect had stepped out of the apartment and brandished a handgun. Detective Venuti and Officer Cappelli were performing a surveillance of the apartment and would be providing "cover" for the S.W.A.T. Team while the Team was approaching the apartment to serve the search warrant.

I (Officer Talbert) was equipped with a "level 3" ballistic shield and my Department issued Sig Sauer model P226, 9mm pistol, it being equipped with a "light kit". This pistol being assigned to me specifically for S.W.A.T. missions.

My initial assignment for the search warrant was to provide front cover to the S.W.A.T. Team while we were approaching the apartment. My second assignment was to cover Sergeant Wallis while he "breached" the front door so the Team could gain entry into the apartment. Once the door was "breached", I was to be the first Team member through the door, "covering" the stairs, living room and two closets in the living room, and engaging any "threats" if any were present.

When the S.W.A.T. Team approached the apartment, I passed the front windows of the apartment and "covered" the front door. Officer Moore held the screen door open while Sergeant Wallis checked to see if the main door was unlocked. The door was, in fact, locked. Officer Hayes then conducted a "break and rake" of the left most living room window, breaking the window and yelling, "RICHMOND POLICE, SEARCH WARRANT", "RICHMOND POLICE, SEARCH WARRANT".

At that point, Sergeant Wallis used the shotgun and "TKO" breaching rounds to try to shear the locks off the front door so the S.W.A.T. Team could gain entry into the apartment. At the same time, Sergeant Ingram was using "TKO" breaching rounds to shear the locks off the side door of the apartment.



Sergeant Wallis fired two rounds, one at each lock, and checked to see if the door would open. Through the holes in the door, I saw at least two figures inside the apartment moving toward the stairs and another figure moving toward the kitchen. After realizing that the door still would not open, Sergeant Wallis fired three more "TKO" breaching rounds through the locks. Sergeant Wallis then had to kick the door two or three times to open it.

As I was going through the door into the apartment, I heard shots being fired from within the apartment. The shots were very distinctly different than the "TKO" breaching rounds fired from the shotguns. I first looked toward the stairs, then realized that the shots were coming from my left, from the direction of the main part of the living room and kitchen area. I turned and continued clearing the living room, moving toward the kitchen. I then heard a "TKO" breaching round being fired at the side door of the apartment. I saw small splinters of the door come apart and the door came open. I heard the S.W.A.T. Team members coming through the side door tell whoever was in the kitchen to get on the floor. I also heard people in the kitchen yelling.

I then turned my attention to the left closet door, "covering" the closet while Officer Moore opened the door and also "covered" the closet. I stepped into the closet to "clear" it. I saw an SKS assault rifle (which resembles an AK-47) standing against the wall in the corner just to the left inside the closet door. As I was continuing to clear the closet, I heard someone yell, "MEDIC UP". I finished clearing that closet and then Sergeant Horn and I "cleared" the other closet.

After my "clearing" assignments were completed, I walked over to the area where the living room and kitchen come together. I saw a black female on the floor with blood on her. I saw Officer Bohannon, a police medic, assisting that female. I also saw a black semi-automatic pistol lying on the floor next to the wall. The hammer on the pistol was still cocked. I also saw "spent" (fired) shell casings on the kitchen floor, as well as what appeared to be one "live" (unfired) round.

I started looking around in the living room and saw a hole in the curtain hanging in front of the front windows. I went outside and saw that the hole was in fact a bullet hole, with the bullet having gone through the curtain, through the windows, and outside. (I later learned that the round had struck the ballistic shield being carried by Detective Street.)

I went back into the apartment and saw two more bullet holes, these being in the wall between the front windows and the front door.

At that point, I went back outside the apartment and began to check with other S.W.A.T. Team members to see if anyone was struck by any of the bullets. After a short period of time, we (the S.W.A.T. Team) were instructed to respond back to the police academy.

On the way back to the academy, Sergeant Horn instructed all of us to put our firearms in Room 245 until they could be checked by the Detectives who would be assigned to investigate the incident.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION

*Specializing in Accidents & Injuries  
and Social Security Disability*

220 NORTH SYCAMORE STREET, PETERSBURG, VIRGINIA 23803-3228  
700 EAST MAIN STREET, SUITE 1601, RICHMOND, VIRGINIA 23219

RESPOND TO:

- ☒ PETERSBURG OFFICE  
☐ RICHMOND OFFICE

CHARLES H. CUTHBERT, JR.\*  
MARGARET CUTHBERT BROADDUS

\* ALSO ADMITTED TO  
NORTH CAROLINA BAR

PETERSBURG  
(804) 733-3100

RICHMOND  
(804) 643-3100

FACSIMILE  
(804) 732-4658

September 5, 2003

The Honorable Bevill M. Dean  
Richmond Circuit Court  
John Marshall Courts Building, 1st Floor  
400 N. Ninth Street  
Richmond, VA 23219

BY HAND

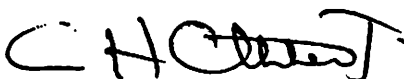
Re: Katina Green, Administrator  
of the Estate of Christie D. Green  
v. Defense Technology, etc., et al.  
Court file # LL 2806-4  
Our file # 3173

Dear Mr. Dean:

I enclose the original of a notice of hearing and motions scheduled to be heard on September 19, 2003, beginning at 10:00 a.m.

Please file the enclosed with the other papers in this matter.

Very truly yours,

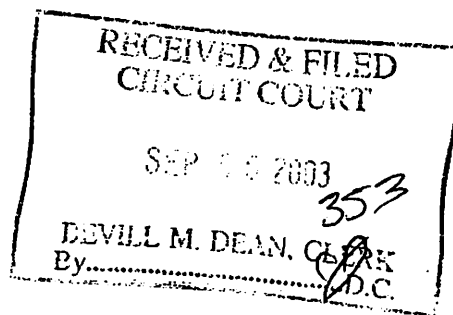


Charles H. Cuthbert, Jr.

CHC:pdh

Enclosures

cc: Ms. Katina Green  
The Honorable Randall G. Johnson (By Hand)  
Beverly A. Burton, Esquire (By Hand)





VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

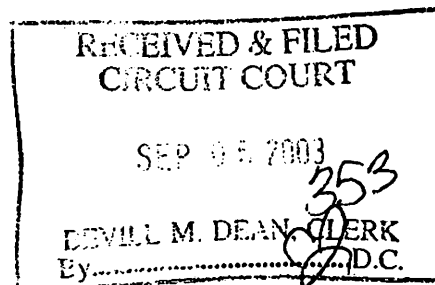
Plaintiff,

v.

Case No. LL-2806-4

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,  
JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.



NOTICE

PLEASE TAKE NOTICE that on Friday, September 19, 2003, at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned, by counsel, will bring the following motions on for hearing.

MOTION #1

The plaintiff, by counsel, hereby moves this Court to enter an order stating that neither Lt. Buckovich nor Sgt. Ingram nor their counsel shall attempt to convey the following to the jury in any manner, either directly or indirectly:

1. Evidence as to collateral source, such as:
  - a. Katina Green, aunt of the two statutory beneficiaries, has adopted Kevasha.
  - b. Katina Green is an excellent surrogate mother to Kevasha.
  - c. The amount of compensation earned by Katina Green at her job.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

- d. Kevasha is covered by Medicare.
- e. Katina Green is receiving General Relief on account of Kevasha.
- f. Dollnice Skipper, a family friend to whom Christie Green gave temporary custody of DiQasha Green (the other statutory beneficiary), is an excellent surrogate mother to DiQasha.
- g. The amount of compensation earned by Dollnice Skipper at her job.
- h. DiQasha is covered by health insurance earned by Dollnice Skipper through her job.

The collateral source rule bars the admissibility of such evidence. *Radvany v. Davis*, 262 Va. 308, 555 S.E.2d 347 (2001) (holding that the collateral source rule bars a defendant from introducing evidence as to the amounts paid by the plaintiff's medical insurance carrier and accepted by the plaintiff's health care providers as payment in full).

- 2. The following facts surrounding the death of Christie Green, each of which is not relevant and, regardless, unduly prejudicial:

- a. Guns were found inside the apartment. There is no evidence that Christie Green even knew about the guns. *Thurmond v. Prince William Professional Baseball Club, Inc.*, 265 Va. 59, 66, 574 S.E.2d 246, 250 (2003), holding that the trial court did not err in dismissing a claim by a spectator who was hit by a foul ball during a baseball game and stating that the doctrine of assumption of risk "requires us to consider whether a particular plaintiff fully understood the nature and extent of a known danger and voluntarily exposed herself to that danger." *Accord Greater Richmond Transit Co. v. Wilkerson*, 242 Va. 65, 71, 406 S.E.2d 28, 32 (1991), holding that the trial court was correct in refusing to permit the jury to consider

whether a passenger assumed the risk of injury when the passenger boarded a driverless bus and then jumped from that bus when it began to roll backwards, since “[a]ssumption of risk requires that ‘the nature and extent of the risk must be *fully appreciated*. . . .’ ”

- b. Drugs were found inside the apartment. There is no evidence that Christie Green even knew about the drugs. The defendants have admitted request for admission #6, that “when the raid took place that resulted in the death of Ms. Green on December 29, 1998, Ms. Green had no illegal drugs in her system.” *Thurmond, supra; Greater Richmond Transit, supra.*
- c. During the raid that resulted in Ms. Green’s death, someone fired three pistol shots from inside the apartment. There is no evidence that Ms. Green had anything to do with the firing of these shots. Furthermore, these shots were fired toward the front of the house and not toward the kitchen door that Sgt. Ingram breached. Furthermore, the deposition testimony of the defendant Ingram (the officer who killed Christie Green) on October 14, 1999 at 81:9 - 81:12 (copy attached as Attachment #1) is as follows:

Q. Because you heard a shot fired from inside the apartment, did you change your course of action in any way?

A. No, sir.

3. That Kevin Jones was wanted or arrested for murder and the circumstances surrounding his arrest, including but not limited to argument or evidence of a separate SWAT team raid earlier on December 29, 1998 at another apartment where Ms. Green was present, and that the purpose of that earlier raid was to arrest Mr. Jones for murder.

**CUTHBERT  
LAW OFFICES**  
~~A PROFESSIONAL CORPORATION~~  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

The relevant facts are these. Kevin Jones is the father of the statutory beneficiary Kevasha Green. Earlier on the same day when Sgt. Ingram killed Ms. Green, the Richmond SWAT team arrested Mr. Jones for murder. See page 448, copy attached as Attachment #2. The "barricade situation" referred on page 448 lasted for five or six hours. The "girlfriend" referred on page 448 was Ms. Green. The barricade situation ended without injury to Ms. Green, but she was shaken by the experience and that evening sought comfort and advice from her friend Charnte' Anderson. Shortly before 11 PM that same evening, Ms. Green met Ms. Anderson at the 1112-C Dove Street apartment (where Ms. Anderson was a visitor). Shortly thereafter, the Richmond SWAT team attempted to breach the kitchen door to 1112-C Dove Street and, in doing so, fired the #22 TKO that killed Ms. Green. The murder charges against Mr. Jones were later nolle prossed, but he was incarcerated on other charges.

The grounds for this motion are that the evidence at issue is irrelevant to this civil case and unduly prejudicial to the two statutory beneficiaries -- Kevasha and her half-sister DiQasha.

4. With respect to expert witnesses that Ms. Green has not identified in her expert witness disclosure served June 30, 2003, all expert witness disclosures previously filed on behalf of Ms. Green. For example, opinions (b)(6) through (b)(8) of George Langford, Sc.D. at page 11 of the plaintiff's expert witness disclosure served September 21, 2001, in connection with the claim against Defense Technology. Attached as Attachment #3 is a copy of such expert witness disclosure. For the followings reasons, such disclosures are not admissible:

**CUTHBERT  
LAW OFFICES**

A PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658

- a. Double hearsay. The first layer of hearsay results because these disclosures are out-of-court statements of experts that are being offered for the truth of their content. The second layer of hearsay results because these disclosures are out-of-court statements made by plaintiff's counsel that, likewise, are being offered for the truth of their content.
- b. Irrelevant. These disclosures are not themselves statements of experts. Instead, these disclosures are statements as to what counsel expects that experts will say at trial. What counsel expects is not evidence.
- c. Irrelevant. These disclosures deal with the liability of the manufacturer Defense Technology, and a previous jury has concluded that Defense Technology is not legally responsible for Ms. Green's death.
- d. Unduly prejudicial. These disclosures bolster the "empty chair" defense that is available to Lt. Buckovich and Sgt. Ingram only because this Court bifurcated the trial of the claims against Defense Technology from the trial of the claims against Lt. Buckovich and Sgt. Ingram.
- e. Undisclosed expert opinion. Lt. Buckovich and Sgt. Ingram have not included these experts or their opinions in the defense expert witness disclosure.

5. With respect to expert witnesses that Ms. Green has identified in her expert witness disclosure served June 30, 2003, all expert witness disclosures previously filed on behalf of Ms. Green that deal solely with the liability of Defense Technology. For example, please see opinion (b)(2) of Lama Martin at page 15 of the plaintiff's expert witness disclosure served September 21, 2001, in connection with the claim against Defense Technology.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

Attached as Attachment #3 is a copy of such expert witness disclosure. For the following reasons, such disclosures are not admissible:

- a. Double hearsay. The first layer of hearsay results because these disclosures are out-of-court statements of experts that are being offered for the truth of their content. The second layer of hearsay results because these disclosures are out-of-court statements made by plaintiff's counsel that, likewise, are being offered for the truth of their content.
- b. Irrelevant. These disclosures are not themselves statements of experts. Instead, these disclosures are statements as to what counsel expects that experts will say at trial. What counsel expects is not evidence.
- c. Irrelevant. These disclosures deal with the liability of the manufacturer Defense Technology, and a previous jury has concluded that Defense Technology is not legally responsible for Ms. Green's death.
- d. Unduly prejudicial. These disclosures bolster the "empty chair" defense that is available to Lt. Buckovich and Sgt. Ingram only because this Court bifurcated the trial of the claims against Defense Technology from the trial of the claims against Lt. Buckovich and Sgt. Ingram.
- e. Undisclosed expert opinion. Lt. Buckovich and Sgt. Ingram have not included these experts or their opinions in the defense expert witness disclosure.

6. That when Sgt. Ingram killed Christie Green, one or more of the #22 TKOs he fired allegedly malfunctioned. The grounds for this motion are that expert witness opinion is required to prove any such alleged malfunction, as well as to prove that any such alleged

**CUTHBERT  
LAW OFFICES**  
**A PROFESSIONAL CORPORATION**  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

malfunction contributed to cause Ms. Green's death, and none of the parties has ever disclosed any such expert witness opinion.

7. That allegedly there is a difference in the performance characteristics of the #22 TKOs, with a red hull (or shell) as compared to the #22 TKOs with a silver hull. (Sgt. Ingram killed Christie Green with a silver-hulled #22 TKO. Previously, Sgt. Ingram had shot red-hulled #22 TKOs. Plaintiff's counsel does not know whether or not Sgt. Ingram previously had shot silver-hulled #22 TKOs.) The grounds for this motion are that expert witness opinion is required to prove any such alleged difference, as well as to prove that any such alleged difference contributed to cause Ms. Green's death, and that none of the parties has ever disclosed any such expert witness opinion. In response to interrogatory #29 Lt. Buckovich and Sgt. Ingram objected to Ms. Green's interrogatory that asked them to state whether there was any difference in the performance characteristics of the various #22 TKOs. In part they did so because this interrogatory "calls for an expert opinion." Attached as Attachment #4 is a copy of interrogatory #29, along with the response of Lt. Buckovich and Sgt. Ingram.

#### MOTION #2

The plaintiff, by counsel, hereby moves this Court to enter orders, copies attached, dealing with the editing of transcripts of the deposition testimony of Lt. Buckovich and Sgt. Ingram, as follows:

1. Deposition given by Lt. Buckovich on September 10, 1999. A copy of this order is attached as Attachment #5.
2. Deposition given by Lt. Buckovich on June 27, 2000. A copy of this order is attached as Attachment #6.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

3. Deposition given by Lt. Buckovich on January 22, 2002. A copy of this order is attached as Attachment #7.
4. Deposition given by Sgt. Ingram on October 14, 1999. A copy of this order is attached as Attachment #8.
5. Deposition given by Sgt. Ingram on January 25, 2002. A copy of this order is attached as Attachment #9.
6. Deposition given by Jimmy Trahin on August 25, 2003. Counsel has not yet received the transcript. As soon as it is received, counsel will file a supplemental motion.

#### MOTION #3

The plaintiff, by counsel, hereby moves this Court for leave to use Sanction II software to present the video deposition testimony that this Court allows. Sanction II synchronizes video and text, allowing the jury to see and hear the video and see the text, all at the same time.

#### MOTION #4

The plaintiff, by counsel, hereby moves this Court to require both parties to submit their proposed voir dire questions in advance by a deadline specified by the Court so that, before trial, the Court can rule on any objections.

The grounds for this motion are that, as specified in *Virginia Code* section 8.01-358, the purpose of the voir dire is restricted to ascertaining:

whether [a member of the panel] is related to either party, or has any interest in the cause, or has expressed or formed any opinion, or is sensible of any bias or prejudice therein. . . .

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658



The purpose of voir dire is not to argue the facts or the law. Even so, during voir dire some counsel attempt to argue their case by selectively including fact snippets or their spin on Virginia law. Once this happens, opposing counsel is faced with two unsavory choices: remain quiet; or bring attention to this tactic by objecting. By ruling *in limine*, the Court eliminates this "Hobson's choice."

KATINA GREEN, ADMINISTRATOR  
OF THE ESTATE OF CHRISTIE D. GREEN

By C H Cuthbert, Jr.  
Counsel

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
A Professional Corporation  
220 North Sycamore Street  
Petersburg, VA 23803-3228

CERTIFICATE OF SERVICE

On September 5, 2003, a copy of this document was hand-delivered to:

Beverly A. Burton, Esquire  
Senior Assistant City Attorney  
Office of the City Attorney  
900 East Broad Street, Room 300  
Richmond, VA 23219

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION

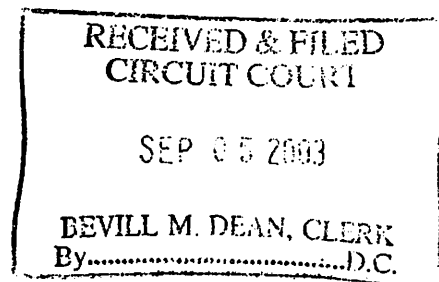
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

C H Cuthbert, Jr.  
Charles H. Cuthbert, Jr.

## INDEX OF ATTACHMENTS

1. Excerpt of deposition testimony of Sgt. Ingram given October 14, 1999.
2. Notification of significant arrest, page 448.
3. Plaintiff's expert witness disclosure served September 21, 2001.
4. Copy of plaintiff's interrogatory #29, along with the responses of Lt. Buckovich and Sgt. Ingram.
5. Order dealing with the editing of the transcript of the deposition testimony of John B. Buckovich given September 10, 1999.
6. Order dealing with the editing of the transcript of the deposition testimony of Lt. Buckovich given June 27, 2000.
7. Order dealing with the editing of the transcript of the deposition testimony of John B. Buckovich given January 22, 2002.
8. Order dealing with the editing of the transcript of the deposition testimony of Sgt. Ingram given October 10, 1999.
9. Order dealing with the editing of the transcript of the deposition testimony of Sgt. Ingram given January 25, 2002.



1 wasn't open.

2 Q Not until then did you consider an  
3 alternative?

4 A No, sir.

5 Q Why didn't you consider an alternative  
6 before then?

7 A That was my primary tool for that  
8 particular job and my secondary tool was the ram.

9 Q Because you heard a shot fired from inside  
10 the apartment, did you change your course of action  
11 in any way?

12 A No, sir.

13 Q After you got the kitchen door open, who  
14 was the first person to enter?

15 A Nobody entered immediately. We got the  
16 door open and we did what we were originally  
17 supposed to do, we're supposed to move up to the  
18 door and check the kitchen and wait for any  
19 directions from the structural commander who had  
20 gone in with the first team, if he needed anything.  
21 That's our first job. So we breached the door and  
22 then we moved the shield man up and covered the  
23 kitchen.

24 Q Covered the kitchen door?

25 A Covered that area. The door was open and



448

## NOTIFICATION OF SIGNIFICANT ARREST

**TO:** Captain Arthur D. Roane      **DATE:** 12-29-98  
Officer -In Charge, Detective Division

**FROM:** Detective Thomas P. Leonard

The following individual was arrested on this date:

**Name:** Kevin Lorenzo Jones

**Address:** 2144 Afton Ave. Richmond, Virginia 23224

**Race:** B   **Sex:** M   **Age (or date of birth):** 1-21-79

**Location of Arrest:** 2144 Afton Ave. Richmond Virginia 23224

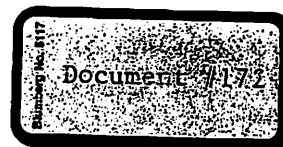
**Victim's Name:** Kevin J. Hatch

**Date of Offense:** 09-13-97

**Charge(s):** 1st degree Murder, Use of a Firearm, Convicted Felon w/Gun

**Arresting Officer(s):** Det. Thomas P. Leonard, Ptlm Brereton, Hall

**Details of Arrest:** RMT and CIT units were requested to attempt to locate a Homicide suspect for Det. Division. At approximately 11:30 AM 12-29-98 they located the suspect and a barricades situation with the suspect, his girlfriend and his 3 yr old daughter were held up in 2144 Afton Ave. The stand off ended up with the suspect coming out and surrendering to the SWAT team. The suspect was transported to Police HQ. where he was interviewed in reference to the Homicide and to A weapon and Narcotics found in the house he was held up in. The suspect was then placed in Lockup on the Firearms and Homicide Charges. Other firearm and Narotics charges will be pursued in the Federal system through Project Exile. Commonwealth Atty Pam Evans was notified and kept up to date



55

81

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

LESLIE L. GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

ARMOR HOLDINGS, INC.  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,  
JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

Case No. LL-2806-4

PLAINTIFF'S EXPERT WITNESS DISCLOSURES

The plaintiff, by counsel, files the following expert witness disclosures:

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23301-3223  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

3 MILE  
732-4638



57

Although the following is intended to be accurate, any errors or inconsistencies in the language employed in this interrogatory answer are solely attributable to counsel and not to the experts.

Given the limitations of written discovery responses, you are invited to contact plaintiff's counsel to arrange depositions of these experts.

In addition to the experts identified below, the plaintiff reserves the right to call at trial each expert identified by any other party to this litigation.

1. Carolyn J. Boone, M.D.  
700 West Grace Street  
Richmond, VA 23220

9/7/01 revision

a. Subject matter.

- 1). The care rendered Kevasha Green by this expert and its relation to the violent death of her mother on December 29, 1998.
- 2). Medical bills incurred by Kevasha Green on account of treatment received from Dr. Boone.
- 3). Christie Green as a mother.
- 4). Referral to Sharlene Johnson, Ph.D.
- 5). Life expectancy.
- 6). Related matters.

b. Substance of the facts and opinions.

- 1). Matters reflected in this expert's chart, a copy of which is attached as pages 11.1 through 11.57.
- 2). Christie Green was conscientious in seeing that Kevasha got good medical care.
- 3). She referred Kevasha to Sharlene Johnson, Ph.D. because she felt that Kevasha needed therapy after seeing her mother die.
- 4). She has talked with Kevasha about Christie's death.
- 5). As Kevasha gets older, she will have more problems because she saw her mother die.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
10 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FAX  
(804) 732-4658

- 6). Kevasha will never get over having seen her mother die.
- 7). Christie made a point about being part of Diquasha's life, even as Christie was letting Dollnice Skipper have custody of Diquasha, and thereafter participated in Diquasha's life.
- 8). *Virginia Code* § 8.01-419 makes a fair approximation of the life expectancy of the plaintiff's decedent and of the statutory beneficiaries.
- 9). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert.
- 2). Standard reference sources.
- 3). Examination of Kevasha Green, including conversations with her.
- 4). Conversations with Christie Green.
- 5). Her chart dealing with Kevasha Green.

**CUTHBERT  
LAW OFFICES**

20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

WINNIE  
(804) 732-4658

2. Jack Daniel, M.D.  
P.O. Box 1570  
Chesterfield, VA 23832

9/7/01 revision

a. Subject matter.

- 1). Human anatomy and pathology.
- 2). Human body mechanics.
- 3). Appearance and condition of certain frangible round fragments.
- 4). Related matters.

b. Substance of the facts and opinions.

- 1). One of the frangible round fragments wrapped around Ms. Green's rib on the right side and did not disintegrate. X-ray confirms this.
- 2). The fragment retrieved from Ms. Green's aorta has a cylindrical edge with striations.
- 3). Autopsy revealed a bruise under Ms. Green's scalp, on her left side, toward the front. See photograph # 16, copy attached. This was likely caused when she fell after having been shot, and hit her head while falling.
- 4). When Ms. Green was fatally wounded, it is likely that her right arm was raised above her side and she was in a crouching position.
- 5). If Sgt. Ingram had shot at a 45 degree angle toward the jamb, the rounds would not likely have struck Ms. Green.
- 6). The foreign material removed from Ms. Green's body by the Office of the Chief Medical Examiner consisted of fragments of a zinc slug or slugs contained in frangible rounds like those fired by Sgt. Ingram during the raid on 1112-C Dove Street.
- 7). Related facts and opinions.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3223  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FAX  
732-4658



c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert. Attached is a copy of this expert's CV.
- 2). Standard reference sources.
- 3). Photographs.
- 4). Depositions in this matter.
- 5). Microscopic study of the frangible round fragments removed from Ms. Green's body by the Office of the Chief Medical Examiner, plus examination of other frangible rounds.
- 6). Examination of x-rays.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

•  
COSMILE  
•  
(732) 4658

3. Ann Lee Davis  
Forensic Scientist  
Department of Criminal Justice Services  
Division of Forensic Science  
700 North 5<sup>th</sup> Street  
Richmond, VA 23219

9/7/01 revision

a. Subject matter.

- 1). Slug fragments recovered from the body of Christie Green.
- 2). Related matters.

b. Substance of the facts and opinions.

- 1). The slug fragments recovered from the body of Christie Green correspond to the frangible slug shells produced by the City of Richmond. Those frangible slug shells are believed to be identical to the frangible slug shells used at 1112 Dove Street, Apt. C, on 12/29/98.
- 2). Facts and opinions set forth in the Certificate of Analysis (report of firearms analysis), a copy of which is attached as pages 283 through 285.
- 3). The letter dated 3/4/99, addressed to Dave DuBay, a copy of which is attached as page 870, and the fact that she never received a reply.
- 4). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert.
- 2). Examination of the evidence itemized on page 283, copy attached, including fragments recovered from the body of Christie Green and frangible shotshells produced by the City of Richmond.
- 3). Standard reference sources.

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION  
11 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23903-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FAX (804) 732-4658

4. N. Fayne Edwards, Ph.D.  
University of Richmond  
E. Claiborne Robins School of Business  
Economics Department  
Richmond, VA 23173

9/07/01 revision

a. Subject matter.

- 1). Economic loss suffered by the statutory beneficiaries.
- 2). Related matters.

b. Substance of the facts and opinions.

- 1). Please see the report of this expert, a copy of which is attached as page 875.
- 2). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert. Attached is a copy of this expert's CV.
- 2). Standard reference sources.

**CUTHBERT  
LAW OFFICES**

PROFESSIONAL CORPORATION

20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FAX  
(804) 732-4658

5. Sharlene Johnson, Ph.D.  
Horizons, Incorporated  
9200 Forest Hill Avenue, Suite C-2  
Richmond, VA 23235

9/7/01 revision

a. Subject matter.

- 1). The care rendered Kevasha Green by this expert and its relation to the violent death of her mother on December 29, 1998.
- 2). Medical bills incurred by Kevasha Green on account of treatment received from Dr. Johnson.
- 3). The condition of Kevasha Green's emotional health--past, present, and future.
- 4). Related matters.

b. Substance of the facts and opinions.

- 1). Facts and opinions reflected in this expert's chart, a copy of which is attached as pages 12.1 through 12.16.
- 2). This expert will summarize the emotional condition and health of Kevasha Green.
- 3). This expert will summarize the course of treatment received by Kevasha Green from Dr. Johnson on account of Christie Green's violent death on December 29, 1998. Also, Dr. Johnson will relate her bills to Christie Green's death, and establish the reasonableness of those bills.
- 4). On account of having witnessed her mother's violent death, Kevasha Green suffered a catastrophic psychosocial stressor.
- 5). There is a strong causal link between having witnessed her mother's violent death and Kevasha's temper tantrums.
- 6). On account of having witnessed her mother's violent death, Kevasha Green has suffered a post traumatic stress disorder.
- 7). Dr. Johnson's intervention helped Kevasha deal with the emotional trauma caused by having witnessed her mother's violent death.
- 8). Concerning Kevasha's visit to her mother's grave, and praying at her mother's grave (all as noted at page 12.13 of Dr. Johnson's chart), this was therapeutic for Kevasha.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
10 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FAX  
732-4658

9). Kevasha will need Dr. Johnson's assistance and therapy far into the future. For example, because of having witnessed her mother's violent death, the transition into puberty will be particularly difficult for Kevasha.

10). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert.
- 2). Discussions with Kevasha's maternal aunt Katina Green and maternal grandmother.
- 3). Examination of Kevasha Green by this expert.
- 4). Standard reference sources.
- 5). The statement given by Sgt. Ingram, pages 138 and 139, copy attached.
- 6). The medical record from MCV dealing with Kevasha, page 1.8, copy attached.
- 7). Her chart dealing with Kevasha Green.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION

120 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

CSIMILE  
(804) 732-4658

6. Deborah Kay, M.D.  
Chief Medical Examiner  
400 East Jackson Street  
Richmond, VA 23219

9/7/01 revision

a. Subject matter.

- 1). Matters addressed in the report of investigation by medical examiner, a copy of which is attached as pages 82 through 85.
- 2). Matters addressed in the report of autopsy, a copy of which is attached as pages 86 through 96.
- 3). Related matters.

b. Substance of the facts and opinions.

- 1). Facts and opinions set forth in the report of investigation by medical examiner, and in the report of autopsy, copies attached as pages 82 through 85 and 86 through 96.
- 2). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert.
- 2). Examination of the body of the plaintiff's decedent.
- 3). Standard reference sources.

**CUTHBERT  
AW OFFICES**  
~~PROFESSIONAL CORPORATION~~  
1 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
CSIMILE  
732-4658

7. George Langford, Sc.D.  
AMENEX Associates, Inc.  
215 Willowbrook Lane  
West Chester, PA 19382

9/18/01 revision

a. Subject matter.

- 1). Metallurgy.
- 2). Related matters.

b. Substance of the facts and opinions.

- 1). When fired at close range against a wooden door like the door in question, a frangible round:
  - a). Exerts much more force than a wooden door can withstand.
  - b). In general, does not fragment. Instead, in general it consolidates in substantial part.
- 2). In the case of the frangible rounds fired by Sgt. Ingram during the raid at 1112-C Dove Street, inadvertent powder pre-form forging caused the zinc powder to consolidate to become an unfrangible, ductile, lethal projectile. For example, see the flattened piece of the frangible round wrapped around a rib fragment from Ms. Green's body.
- 3). Concerning the deadbolt of the kitchen door (Item # 27), the deadbolt has been severed from its lock. This is consistent with the deadbolt having been directly struck by a projectile, and is not consistent with the door having been hit by a ram. Sgt. Ingram's first round severed this deadbolt from its lock.
- 4). The foreign material removed from Ms. Green's body by the Office of the Chief Medical Examiner consisted of fragments of a zinc slug or slugs contained in frangible rounds like those fired by Sgt. Ingram during the raid on 1112-C Dove Street.
- 6). Page 15, copy attached, is not accurate in stating that the compressed powdered zinc of the frangible rounds in question "disintegrates into a fine powder upon impact with the target."
- 7). Page 15, copy attached, is not accurate in stating that "The only possible fragmentation would be from the target area rather than the slug itself."

**CUTHBERT  
LAW OFFICES**

**PROFESSIONAL CORPORATION**

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FAX  
(804) 732-4633

- 8). If the manufacturer of the frangible rounds had test fired them as Mr. Martin, Mr. Trahin, and he did, it would have been readily apparent that:
  - a). The rounds would pass through a door like the one through which Sgt. Ingram fired in the raid on 1112-C Dove Street, and after doing so would still retain lethal force.
  - b). The product literature (page 15, copy attached) was not correct in stating that the compressed powdered zinc slug "disintegrates into a fine powder upon impact with the target" and that "the only possible fragmentation would be from the target area rather than the slug itself."
- 9). Photographs accurately and fairly depict the testing in which he participated and which he observed, involving frangible rounds.
- 10). With respect to the four rounds fired by Sgt. Ingram that did not hit hardware in the door, the round went straight through the door with neither upward nor downward deflection.
- 11). When the frangible rounds in question left the possession or control of the defendant who made them, they were unusually dangerous for the use to which they would ordinarily be put or for some other reasonably foreseeable purpose in several respects, including but not limited to:
  - a). Their tendency to retain lethal force after passing through a door like the one through which Sgt. Ingram fired in the raid on 1112-C Dove Street, when used as Sgt. Ingram used them.
  - b). Their lack of instructions on use.
- 12). The 12-gauge frangible rounds tested are essentially similar in performance characteristics to those that Sgt. Ingram fired when he killed Christie Green.
- 13). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert. Attached is a copy of this expert's CV.
- 2). Standard reference sources.
- 3). Photographs.

**CUTHBERT  
LAW OFFICES**

PROFESSIONAL CORPORATION

20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FAX  
(804) 732-4658



- 4). Depositions in this matter.
- 5). Microscopic study of the frangible round fragments removed from Ms. Green's body by the Office of the Chief Medical Examiner.
- 6). Examination of the kitchen door and other items of tangible evidence numbered and being held by the Department of Policy of the City of Richmond.
- 7). Testing of frangible rounds.
- 8). Examination of the apartment where Sgt. Ingram killed Christie Green.
- 9). Two videotapes: one of the scene of the raid, and one of the TKO evaluation.
- 10). Written discovery in this matter, including documents produced, especially the response of the three corporate defendants to request for admission # 22 and interrogatory # 13(b), copies attached.
- 11). Various documents, including the autopsy report (pages 82 through 96), the death certificate (page 97), and product literature (page 15), copies attached.
- 12). Pages 201, 202, 203, 304, and 305, copies attached.

**CUTHBERT  
LAW OFFICES**

PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET

PETERSBURG,  
VIRGINIA 23803-3228  
(304) 733-3100

700 EAST MAIN STREET

SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(4) 643-3100

CHASLE  
(4) 732-4658

8. Robert E. Lee, Jr.  
2821 Courtland Road  
Petersburg, VA 23805

9/7/01 revision

a. Subject matter.

- 1). Reconstruction of the scene where Sgt. Ingram killed Christie Green.
- 2). Identification of drawings he made, pages 375 and 376, copies attached.
- 3). Related matters.

b. Substance of the facts and opinions.

- 1). Document #s 113 and 114, pages 375 and 376, copies attached, accurately show the dimensions of the first floor and kitchen of 1112 C Dove Street.
- 2). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert. Attached is a copy of this expert's CV.
- 2). Photographs.
- 3). Inspection and measurement of 1112 C Dove Street.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
10 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FAX  
732-4658

9. Lama S. Martin  
918 Rock Spring Road  
Bel Air, MD 21014

9/18/01 revision

a. Subject matter.

- 1). Ballistics and firearms.
- 2). Related matters.

b. Substance of the facts and opinions.

- 1). He fired nine 12 gauge frangible rounds sold by Defense Technology Corporation of America, using a weapon comparable to the weapon used by Sgt. Ingram in the raid on 1112 - C Dove Street. He fired eight of those rounds at an undamaged portion of a door comparable to the door through which Sgt. Ingram fired in that raid. He observed that each of those eight rounds passed completely through the door and then through a piece of 3/4 inch pine board. He fired the ninth round directly into foam rubber.
- 2). If the manufacturer of the frangible rounds had test fired them as he did, it would have been readily apparent that:
  - a). The rounds would pass through a door like the one through which Sgt. Ingram fired in the raid on 1112-C Dove Street, and after doing so would still retain lethal force.
  - b). The product literature (page 15, copy attached) was not correct in stating that the compressed powdered zinc slug "disintegrates into a fine powder upon impact with the target" and that "the only possible fragmentation would be from the target area rather than the slug itself."
- 4). Photographs accurately and fairly depict the testing in which he participated, involving frangible rounds.
- 5). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert. Attached is a copy of this expert's CV.
- 2). Testing of frangible rounds.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION

80 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

SIMILE  
732-4658

- 3). Photographs.
- 4). Depositions in this matter.
- 5). Various documents, including the autopsy report (pages 82 through 96), the death certificate (page 97), and product literature (page 15), copies attached.
- 6). Pages 201, 202, 203, 304, and 305, copies attached.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
60 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23303-3223  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
CSINILE  
732-4658

10. Eugene Provost  
Department of Police, City of Richmond  
501 N. 9<sup>th</sup> Street  
Richmond, VA 23219

9/7/01 revision

a. Subject matter.

- 1). Reconstruction of the scene where Sgt. Ingram killed Christie Green.
- 2). Identification of photographs he took.
- 3). Related matters.

b. Substance of the facts and opinions.

- 1). Facts and opinions stated in his deposition.
- 2). The content of documents prepared by him, copies attached as pages 304, 305, 308 through 311, 312, 313, 314, 315, 458, 480, 481, and 482.
- 3). The subject and accuracy of photographs by him.
- 4). Other facts and opinions stated in his deposition.
- 5). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert.
- 2). Measurements and observations made at the scene where Sgt. Ingram killed Ms. Green.
- 3). Documents in his notebook.

**CUTHBERT**  
**LAW OFFICES**  
**PROFESSIONAL CORPORATION**  
20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
SIMILE  
(804) 732-4658

11. Joseph J. Saady, Ph.D.  
Forensic Toxicologist  
Department of Criminal Justice Services  
Division of Forensic Science  
700 North 5<sup>th</sup> Street  
Richmond, VA 23219

a. Subject matter.

- 1). Ms. Green's toxicology.
- 2). Related matters.

b. Substance of the facts and opinions.

- 1). The findings set forth in the Certificate of Analysis dated 1/22/99 signed by Dr. Saady, a copy of which is attached as page 224.
- 2). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert.
- 2). Examination of fluids taken from the body of Ms. Green.
- 3). Standard reference sources.

**CUTHBERT  
LAW OFFICES**  
~~PROFESSIONAL CORPORATION~~  
10 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
SIMILE  
732-4658

12. Frederick E. Schmidt, Ph.D.  
Engineering Systems, Inc.  
3851 Exchange Avenue  
Aurora, IL 60504-7900

9/18/01 revision

a. Subject matter.

- 1). Quality control and other aspects of small arms manufacture.
- 2). Metallurgy.
- 3). Related matters.

b. Substance of the facts and opinions.

- 1). Standards within the small arms manufacturing industry require periodic product testing to determine whether or not the product performs as represented to the public in the manufacturer's product literature (for example, page 15, copy attached) and as the manufacturer otherwise expects.
- 2). Page 15, copy attached, is not accurate in stating that the compressed powdered zinc of the frangible rounds in question "disintegrates into a fine powder upon impact with the target."
- 3). Page 15, copy attached, is not accurate in stating that "The only possible fragmentation would be from the target area rather than the slug itself."
- 4). If the manufacturer of the frangible rounds had test fired frangible rounds, as Mr. Martin, Dr. Langford, and Mr. Trahin did, it would have been readily apparent that:
  - a). The rounds would pass through a door like the one through which Sgt. Ingram fired in the raid on 1112-C Dove Street, and after doing so would still retain lethal force.
  - b). The product literature (page 15, copy attached) was not correct in stating that the compressed powdered zinc slug "disintegrates into a fine powder upon impact with the target" and that "the only possible fragmentation would be from the target area rather than the slug itself."
- 5). When the frangible rounds in question left the possession or control of the defendant who made them, they were unusually dangerous for the use to which they would ordinarily be put or for some other reasonably foreseeable purpose in several respects, including but not limited to:

**CUTHBERT**  
**LAW OFFICES**  
PROFESSIONAL CORPORATION  
30 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FAX  
(804) 732-4653

- a). Their tendency to retain lethal force after passing through a door like the one through which Sgt. Ingram fired in the raid on 1112-C Dove Street, when used as Sgt. Ingram used them.
- b). Their lack of instructions on use.
- 6). The 12-gauge frangible rounds tested are essentially similar in performance characteristics to those that Sgt. Ingram fired when he killed Christie Green.
- 7). Related facts and opinions.
- c. Summary of the grounds for each opinion.
  - 1). The education, training, and experience of this expert. Attached is a copy of this expert's CV.
  - 2). Standard and industry reference sources.
  - 3). Photographs.
  - 4). Depositions in this matter.
  - 5). Testing of frangible rounds.
  - 6). Written discovery in this matter, including documents produced, especially the response of the three corporate defendants to request for admission # 22 and interrogatory # 13(b), copies attached.
  - 7). Various documents, including the autopsy report (pages 82 through 96), the death certificate (page 97), and product literature (page 15), copies attached.
  - 8). Pages 201, 202, 203, 304, and 305, copies attached.

**CUTHBERT  
LAW OFFICES**

PROFESSIONAL CORPORATION

10 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

SIMILE  
32-4658



13. Jimmy L. Trahin  
14438 Cedarsprings Drive  
Whittier, CA 90603

9/18/01 revision

a. Subject matter.

- 1). Performance of frangible rounds like those Sgt. Ingram used to kill Christie Green.
- 2). Related matters.

b. Substance of the facts and opinions.

- 1). If the manufacturer of the frangible rounds had test fired them as he did, it would have been apparent that the frangible rounds did not disintegrate upon impact with a door of the type that Sgt. Ingram shot when he killed Christie Green, assuming that the rounds were not fired at a portion of the door that contained hardware.
- 2). Photographs accurately and fairly depict the testing in which he participated and which he observed, involving frangible rounds.
- 3). When the frangible rounds in question left the possession or control of the defendant who made them, they were unusually dangerous for the use to which they would ordinarily be put or for some other reasonably foreseeable purpose in several respects, including but not limited to:
  - a). Their tendency to retain lethal force after passing through a door like the one through which Sgt. Ingram fired in the raid on 1112-C Dove Street, when used as Sgt. Ingram used them.
  - b). Their lack of instructions on use.
- 4). The 12-gauge frangible rounds tested are essentially similar in performance characteristics to those that Sgt. Ingram fired when he killed Christie Green.
- 5). Related facts and opinions.

c. Summary of the grounds for each opinion.

- 1). The education, training, and experience of this expert. Attached is a copy of this expert's CV.
- 2). Testing of frangible rounds.
- 3). Deposition transcripts.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
10 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FAX  
(804) 732-4658

- 4). Standard reference sources.
- 5). Photographs.
- 6). Visit to the Defense Technology manufacturing facility in Casper, Wyoming.
- 7). Written discovery in this matter, including documents produced, especially the response of the three corporate defendants to request for admission # 22 and interrogatory # 13(b), copies attached.
- 8). Pages 201, 202, 203, 304, and 305, copies attached.

**CUTHBERT  
AW OFFICES**

PROFESSIONAL CORPORATION

10 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

CSIMILE  
1732-4658




CERTIFICATE OF SERVICE


On September 21, 2001 a copy of this document was mailed to:

William D. Bayliss, Esquire  
Williams Mullens Clarke & Dobbins  
P.O. Box 1320  
Richmond, VA 23218-1320

Beverly A. Burton, Esquire  
Senior Assistant City Attorney  
Office of the City Attorney  
900 East Broad Street, Room 300  
Richmond, VA 23219

  
Charles H. Cuthbert, Jr.

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION  
11 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FAX  
732-4653

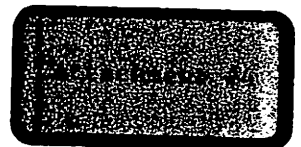
 Do you contend or will you contend at trial that there was any significant difference in the performance characteristics of the various #22 TKO rounds fired by the Richmond Police Department at any time? If so, please state all facts on which you rely in this regard, identify each witness with knowledge of such facts, and identify each document or other thing on which you rely as evidence in this regard.

ANSWER: Objection. This interrogatory seeks work product and calls for an expert opinion. Defendants' expert opinions have previously been disclosed in accordance with the pre-trial order entered in this case.

GEORGE INGRAM  
JOHN BUCKOVICH

By: Vicki W. Harris  
Counsel

Beverly A. Burton (VSB #17658)  
Senior Assistant City Attorney  
Vicki W. Harris, Esquire (VSB#37788)  
Assistant City Attorney  
Office of the City Attorney  
900 East Broad Street, Room 300  
Richmond, Virginia 23219  
(804) 646-7953  
(804) 646-7939 Facsimile



VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,  
JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

Case No. LL-2806-4

ORDER

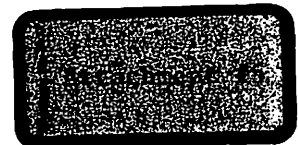
Pursuant to Rule 4:7A(c), the Court hereby grants leave to the plaintiff to edit the video deposition of John B. Buckovich given 9/10/99, to include only those portions itemized in the attached excerpts, dated 7/12/03 in the bottom left corner.

In addition, this Court rules that the plaintiff, as part of her case in chief, may present these excerpts to the jury, without any additions or deletions.

Enter: \_\_\_\_\_  
Judge

Date: \_\_\_\_\_

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
120 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658



84

I ASK FOR THIS:

---

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
Counsel for the plaintiff

SEEN AND AGREED:

---

Beverly A. Burton, Esquire  
Vicki W. Harris, Esquire  
Counsel for defendants  
L:12.08

**CUTHBERT  
LAW OFFICES**

PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(4) 732-4658

Issues Report [Green v. Buckovich]

• designation of deposition

[6:14] - [6:16] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 6

13

14

JOHN B. BUCKOVICH

15

was duly sworn and testified as follows:

16

17

DIRECT EXAMINATION

[6:25] - [7:14] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 6

24

A Certainly.

25

Q Would you please state for the record your

page 7

1

name, sir?

2

A John Buckovich.

3

Q And your position with the police

4

department of the City of Richmond?

5

A I'm a lieutenant in charge of the

6

department's training academy and also in charge of

7

the department's SWAT team and bomb unit.

8

Q And for how long have you been in charge

9

of the SWAT team of the City of Richmond?

10

A Since October of 1996, so approximately

11

three years.

12

Q And for how long have you been in charge

13

of the training academy?

14

A Since June 22nd, 1996.

15

Q Let me ask you to look with me at the

[23:1] - [23:2] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 22

25

A Yes, sir.

page 23

1

Q What exactly was your role in the

2

operation that night?

3

A As the SWAT team commander --

[23:8] - [23:17] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 23

7

right now.

8

A I was the overall commander of the scene

9

as the search warrant was being served. So when we

10

got to the scene, my job was to ensure that both of

11

the teams, the team that went through the front

12

door and the team that went through the rear door

13

was set and ready to go. So once I made that

14

determination, then I gave the command for the

15

officer in the front to begin the distraction

16

technique and once that started then the front door

17

and the side doors began their breaching.

18

Q At any point did you require or ask any

[42:12] - [42:14] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 42

86



Issues Report [Green v. Buckovitch]

• designation of deposition

11 the chest wounds.  
12 Q And what is the purpose of the instruction  
13 on page 90.5 that the shotgun should be aimed at a  
14 45 degree down angle?  
15 MS. BURTON: Objection, asked and

[42:17] - [42:21] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 42  
16 answered. You can go ahead and answer that.  
17 A I think I've already answered that, but  
18 it's to -- any fragmentation from the door, meaning  
19 wood splinters or metal, would be driven downward  
20 so as not to strike anyone. Down towards the  
21 floor.  
22 Q When did Sergeant Ingram last review the

[59:21] - [60:1] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 59  
20 Sergeant Wallace.  
21 Q Have Sergeant Ingram and Sergeant Wallace  
22 taught the use of frangible slugs to others?  
23 A On November 18th they taught to the other  
24 members of the team and there have been other  
25 occasions in SWAT trainings where they have  
page 60  
1 taught -- they were, as well as myself and Sergeant  
2 Kelly, we were all present as the rounds were being

[105:9] - [106:3] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 105  
8 A No, sir, not that I can recall.  
9 Q At any time in any of the training that  
10 either you or Sergeant Ingram has received, has  
11 there been any instruction as to whether to check  
12 the door between rounds to determine how much of it  
13 is in intact?  
14 A Sure, you'll do a visual inspection in  
15 between the rounds.  
16 Q That was part of the training; is that  
17 correct?  
18 A Yes, sir.  
19 Q Is there any protocol in the City of  
20 Richmond that states that that is part of the  
21 procedure?  
22 A I don't know if it's in that lesson plan  
23 that is written out. I know that that is part of  
24 our training, it's common sense you're going to  
25 inspect your rounds in between each shot.  
page 106  
1 Q Inspect what?  
2 A Inspect the door, inspect the rounds in  
3 between each shot. It might actually say in there  
4 visually inspect the door.

[106:12] - [106:24] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 106  
11 A No, sir, it doesn't.  
12 Q What is the purpose of the procedure of

Issues Report [Green v. Buckovitch]

• designation of deposition

13 inspecting the door between rounds? Is that  
14 important and if so, why is it important?  
15 A The purpose of it is to see the amount --  
16 well, two things. One, to see the amount of damage  
17 that your round has done and then when you go to  
18 fire your second or subsequent shots, you want to  
19 know where to place them. So if you didn't  
20 visually inspect it, you wouldn't know where to  
21 place them.  
22 Q So is it important that this be done by  
23 the shooter between rounds?  
24 A I would say so, yes, sir.  
25 Q Now, in the case of Christie Green, do you

[107:23] - [108:10] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 107

22 there wasn't.

23 Q How about the relative height of the lock  
24 that Sergeant Ingram was shooting at, was the lock  
25 that Sergeant Ingram was shooting at sufficiently

page 108

1 low to allow him to aim the barrel of the gun  
2 downward at 45 degrees and still hit that lock?

3 A Yes, sir, I think so.

4 Q Why do you say so?

5 A Just -- I'm trying to figure out how to  
6 explain myself. It wasn't anything unusual about  
7 the lock, so that's why. It was a standard, from  
8 what I can remember, it was a standard lock that  
9 would allow him to get relatively close to that,  
10 yes, sir.

11 Q How about to get to 45 degrees, not just

[111:17] - [112:1] 9/10/1999 Dept. of Police Part 1 (Buckovich)

• designation of deposition

page 111

16 A Not that I'm aware of.

17 Q And these shots that were fired from  
18 inside the apartment, were they fired at the front  
19 door or the kitchen door?

20 A Front. Well actually at the front window  
21 first and then towards the door, so yeah, it would  
22 have been to the front of the apartment.

23 Q To your knowledge, were any of the shots  
24 that were fired from inside the apartment directed  
25 toward the kitchen entry door?

page 112

1 A Not to my knowledge, no, sir.

2 Q Let me ask you to look with me at 8(a).

88

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA

(a Delaware corporation),

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,

JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

Case No. LL-2806-4

ORDER

Pursuant to Rule 4:7A(c), the Court hereby grants leave to the plaintiff to edit the video deposition of Lt. Buckovich given 6/27/00, to include only those portions itemized in the attached excerpts, dated 9/4/03 in the bottom left corner.

In addition, this Court rules that the plaintiff, as part of her case in chief, may present these excerpts to the jury, without any additions or deletions.

Enter: \_\_\_\_\_  
Judge

Date: \_\_\_\_\_

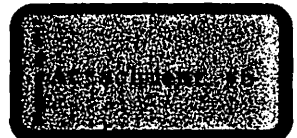
**CUTHBERT  
LAW OFFICES**

A PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(4) 732-4658



I ASK FOR THIS:

---

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broaddus  
Cuthbert Law Offices  
Counsel for the plaintiff

SEEN AND AGREED:

---

Beverly A. Burton, Esquire  
Vicki W. Harris, Esquire  
Counsel for defendants  
L:12.08

**CUTHBERT  
LAW OFFICES**

PROFESSIONAL CORPORATION

20 NORTH SYCAMORE STREET

PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658

- **designation of deponent**

8 EXAMINATION

21 Q And your date of birth?

13 Q Any in Virginia as far as you know?

21 Q So when Christie Green was killed, were

11 A Certainly.

Issues Report [Green v. Buckovitch]

• designation of deposition

12 Q And for how long before Christie Green was  
13 killed had you been the person in charge of seeing  
14 that the Richmond SWAT team members were properly  
15 trained?

16 A Well, as I said, I took over the position  
17 October 19, '96. Prior to that, I was the training  
18 sergeant for the SWAT team, and I held that position  
19 for -- and this is approximately -- three years I was  
20 the training sergeant.

21 Q So from approximately 1994 until early  
22 2000 were you the person in charge of seeing that  
23 Richmond SWAT team members were properly trained?

24 A Well, I was completely in charge from 1996  
25 and my duties prior to that as training sergeant was  
page 16

1 to coordinate the training. I did not have the final  
2 say prior to my taking over the SWAT team.

3 Q So you were in charge of the Richmond

[16:19] - [17:4]

6/27/2000 John Buckovich

• designation of deposition

page 16

18 A That was not an academy duty, no, sir.

19 Q When you were in charge of the SWAT team,  
20 was it among your job duties to see that the equipment  
21 used by the Richmond SWAT team was properly tested to  
22 determine whether or not it performed as you expected  
23 it to?

24 A Certainly. As the team commander, it was  
25 my responsibilities to see that we were trained and  
page 17

1 that we had the proper equipment, yes, sir.

2 Q And also to see that the equipment  
3 performed as expected; correct?

4 A Yes, sir.

5 Q What other job duties did you have while

[28:9] - [28:21]

6/27/2000 John Buckovich

• designation of deposition

page 28

8 A Yes, sir.

9 Q Who made the decision to breach the door  
10 using frangible rounds?

11 A That would be me.

12 Q And where were you when you made this  
13 decision?

14 A At the training academy. That was all  
15 part of our planning.

16 Q So approximately what time of day was it  
17 when you made the decision, you yourself made the  
18 decision to use frangible rounds?

19 A I couldn't give you an exact minute or  
20 hour. It was in the evening when we were planning  
21 this.

22 Q It was after dinner?

[29:5] - [29:13]

6/27/2000 John Buckovich

• designation of deposition

page 29

4 5 or 6 p.m.

5 Q Is it a fair statement -- excuse me. Is  
6 it your best recollection that it was after 5 p.m. on  
7 December 29, 1998, that you made the decision to use  
8 frangible rounds at 1112-C Dove Street?

Issues Report [Green v. Buckovitch]

• designation of deposition

9 A Yes, sir.  
10 Q So you made the decision to use frangible  
11 rounds at 1112-C Dove Street before the SWAT team ever  
12 got to that address; is that correct?  
13 A Oh, yes, sir. Yes, sir.  
14 Q So that when the SWAT team went to 1112-C

[30:19] - [30:25]

6/27/2000 John Buckovich

• designation of deposition

page 30  
18 we call child protocol.  
19 Q So you were in charge of planning the SWAT  
20 team raid at 1112 Dove Street on December 29, 1998?  
21 A I was involved, yes, sir.  
22 Q You were involved. Were you in charge of  
23 planning that?  
24 A Oh, I'm sorry. I didn't draw the plan up.  
25 I approved the plan.  
page 31  
1 Q And when you approved that plan, you

[31:13] - [31:15]

6/27/2000 John Buckovich

• designation of deposition

page 31  
12 state it.  
13 Q Did you yourself give the signal to begin  
14 the raid on 1112-C Dove Street?  
15 A Yes, sir. That's part of my duties.  
16 Q And when you gave that signal for the raid

[44:6] - [44:18]

6/27/2000 John Buckovich

• designation of deposition

page 44  
5 understand it and it helps reiterate it to him.  
6 Q Were you the person who gave the  
7 instructions in connection with this raid to the  
8 members who participated in the raid?  
9 A I, of course, was there, but I actually  
10 think or Sergeant Shapiro was the one who went over it  
11 with the team.  
12 Q And exactly what was Sergeant Ingram told  
13 as best you can recollect?  
14 A That his duties, to the best of my  
15 recollection, his duties were to breach the kitchen  
16 door upon my command and do a limited penetration into  
17 that kitchen, which means once that door is breached,  
18 they go into the kitchen and go no further.  
19 Q As far as you are aware on December 29,

[48:3] - [48:20]

6/27/2000 John Buckovich

• designation of deposition

page 48  
2 began when he started raking and breaking.  
3 Q All right. Did the entry begin on your  
4 signal to Officer Hayes to rake and break?  
5 A Yes.  
6 Q And other than the signal that you gave to  
7 officer -- or the command that you gave to Officer  
8 Hayes to rake and break, did you give any other  
9 commands at the scene to initiate the entry that  
10 night?  
11 A No. Our command and control was that.

Issues Report [Green v. Buckovitch]

• designation of deposition

12 When he started to rake and break, then that was the  
13 signal for the team to begin their breaching.  
14 Q So the signal for Sergeant Ingram to begin  
15 firing at the door was the breaking -- the sound of  
16 the breaking of the glass; is that correct?  
17 A Yes, sir.  
18 Q And that was the way you intended it;  
19 correct?  
20 A Correct.  
21 Q You actually entered the kitchen and saw

[62:23] - [63:1]

6/27/2000 John Buckovich

• designation of deposition

page 62

22 shotgun it worked better without the standoff device.  
23 Q About how much time passed between the  
24 time when you ordered Officer Hayes to rake and break  
25 and the time when you first heard glass break?

page 63

1 A Oh, it was instantaneous.  
2 Q And about how much time passed between the

[63:22] - [64:12]

6/27/2000 John Buckovich

• designation of deposition

page 63

21 A Break the glass first.  
22 Q Right. The signal that the breachers were  
23 listening for before they pulled the trigger was the  
24 sound of the breaking of the glass; correct?  
25 A Yes, sir.

page 64

1 Q And your instructions to the breachers was  
2 to fire as soon as they heard the breaking of the  
3 glass; correct?  
4 A As soon as the glass broke, yes, sir, to  
5 begin their breaching process.  
6 Q Meaning to pull the trigger on the  
7 shotguns that had the breaching rounds; correct?  
8 A Yes, sir.  
9 Q So as you instructed the two breachers,  
10 they were to pull the trigger to start breaching the  
11 doors as soon as they heard the glass break; correct?  
12 A Sure.  
13 MS. BURTON: For the second or third time.

[81:10] - [81:22]

6/27/2000 John Buckovich

• designation of deposition

page 81

9 Q Let me back off if I may. Let me withdraw  
10 that question. Regardless of whether we're dealing  
11 with a wood door wood frame or a wood door metal  
12 frame, would you please read into the record the  
13 applicable aiming instructions that applied to the  
14 breach that Sergeant Ingram did at 1112-C Dove Street?  
15 A Aim shotgun with a 45-degree down angle at  
16 the latch bolt between the lock and the frame.  
17 Q Before Sergeant Ingram killed Christie  
18 Green, was it ever brought to his attention that he  
19 should aim at the latch bolt?  
20 A Yes, sir.  
21 Q How do you know that?  
22 A Because it's part of the instructions.  
23 Q And when the raid took place at 1112-C



Issues Report [Green v. Buckovitch]

• designation of deposition

[96:16] - [97:3]

6/27/2000 John Buckovich

• designation of deposition

page 96

15 A Right, right.

16 Q At any time as far as you are aware, has  
17 anyone on behalf of the Richmond Police Department  
18 fired rounds purposefully below a lock on a wooden  
19 door in order to determine the extent to which the  
20 round would penetrate the door if the round did not  
21 come in contact with the metal lock?

22 A Once again, I haven't. I don't know what  
23 Captain Beadles and Lieutenant Bennett, if they have.  
24 So I haven't done that personally.

25 Q Why not?

page 97

1 A Because that wasn't the way the round was  
2 intended to be used. It was intended to be used to be  
3 fired at the locking mechanism. I've never done that.

4 Q To the best of your information, before

[99:13] - [100:4]

6/27/2000 John Buckovich

• designation of deposition

page 99

12 BY MR. CUTHBERT:

13 Q Let me ask you about your use of frangible  
14 rounds, Lieutenant. You've used those before  
15 yourself?

16 A Yes, sir.

17 Q On approximately how many occasions have  
18 you fired frangible rounds?

19 A Wow. Over the period that we've used  
20 them, gosh. I don't know, 10, 15, 20 times.

21 Q Somewhere between 10 and 20 rounds would  
22 be your best estimate?

23 A Yes, sir. No more than that.

24 Q And when you fired them, did you -- where  
25 did you fire them in?

page 100

1 A Some of them have been on SWAT missions.  
2 Some had been in training at our range facility in  
3 Caroline County, and then at other off-site locations,  
4 abandoned houses and that type of thing.

5 Q When you have fired frangible rounds

[101:11] - [101:20]

6/27/2000 John Buckovich

• designation of deposition

page 101

10 at a part of the door that did not have -- excuse me.  
11 When you were firing frangible rounds, did you ever  
12 purposefully aim at a part of the door that you  
13 thought did not have hardware in it?

14 A Only time I've ever fired it was at hinges  
15 or the locks.

16 Q And why have you never purposefully aimed  
17 at a part of the door that you did not think had  
18 hardware in it?

19 A As I stated earlier, that's not the way  
20 the round is intended to be used, so I never did it.

21 Q Before Sergeant Ingram killed Christie

[102:22] - [103:1]

6/27/2000 John Buckovich

• designation of deposition

page 102

**Issues Report [Green v. Buckovitch]**

**• designation of deposition**

21 BY MR. CUTHBERT:

22 Q When the FBI people came to Richmond to  
23 train area law enforcement agencies in the use of  
24 frangible rounds, did Sergeant Ingram receive any of  
25 that training?

page 103

1 A Yes, sir, he did.

2 Q After Ms. Green was killed, has there been

[106:25] - [107:20]

6/27/2000 John Buckovich

**• designation of deposition**

page 106

24 you don't fire through the same hole, certainly.

25 Q Now, before the raid on Dove Street, did  
page 107

1 anyone bring to Sergeant Ingram's attention that in  
2 shooting a series of frangible rounds to breach a door  
3 like the one he was attempting to breach that night,  
4 that the shooter should inspect the target between  
5 rounds?

6 A I have no doubt that in training that was  
7 addressed, but at that night, I doubt it was addressed  
8 that night.

9 Q You mean at the Police Academy?

10 A Right. I know I didn't.

11 Q But you think before December 29, 1998, it  
12 was brought to the attention of Sergeant Ingram that  
13 he should inspect the target door between rounds?

14 A Sure. It's standard practice. You're  
15 going to aim each shot.

16 Q And as part of that process, inspect the  
17 door between rounds, correct?

18 A To see if the round had performed the way  
19 it was intended to, to see if it actually knocked out  
20 the lock.

21 Q At any point did the rounds fired by

[108:25] - [109:6]

6/27/2000 John Buckovich

**• designation of deposition**

page 108

24 was on the floor. I don't really remember.

25 Q If during a practice session before

page 109

1 December 29, 1998, you learned that in shooting a  
2 series of frangible rounds to breach a door like the  
3 one at the Dove Street apartment Sergeant Ingram had  
4 not inspected the door between rounds, would you have  
5 been critical of this?

6 A Certainly.

7 Q Before the raid on Dove Street, did anyone

[110:21] - [111:4]

6/27/2000 John Buckovich

**• designation of deposition**

page 110

20 fire blindly.

21 Q Before Christie Green was killed, was  
22 Sergeant Ingram instructed in accordance with the  
23 lesson plan and specifically page 360 of the lesson  
24 plan to aim at the latch bolt?

25 A Yes, sir.

page 111

1 Q And what is your factual basis for saying  
2 yes?

3 A Because all the members on the SWAT team

Issues Report [Green v. Buckovitch]

• designation of deposition

4 are taught from this lesson plan.  
5 Q If you're in a practice session before the

[114:8] - [114:18]

6/27/2000 John Buckovich

• designation of deposition

page 114

7 confrontations.  
8 Q In shooting a series of frangible rounds  
9 to breach the door like the one Sergeant Ingram shot  
10 at 1112-C Dove Street, should the shooter turn the  
11 knob between rounds?  
12 A I know that is something that is not  
13 taught. I know Sergeant Ingram tried the knob before  
14 he fired it. That is something that we always do, is  
15 to see if the door is unlocked before you start any  
16 type of breaching technique. He told me he did that  
17 and the door was locked. But in between rounds,  
18 that's not something we do.  
19 THE VIDEOGRAPHER: Sorry. His microphone

[128:14] - [129:3]

6/27/2000 John Buckovich

• designation of deposition

page 128

13 That was a metal grade.  
14 Q So in terms of a wooden door, in all of  
15 your experience with the Richmond Police Department,  
16 before the Dove Street incident, do you know of a  
17 single occasion on which five rounds were fired at a  
18 wooden door in an attempt to breach it?  
19 A Not that I can remember. But you have to  
20 keep in mind that in my time on the SWAT team, I've  
21 been on over 400 missions. So for me to say here  
22 without a doubt, I don't think I can do that.  
23 Q But your best recollection is that in over  
24 400 SWAT team missions, on not one occasion have five  
25 frangible rounds been fired at a wooden door in order  
page 129

1 to get it open?  
2 A Not that I can sit here and point to, no,  
3 sir.  
4 Q I want you to look with me, please, at a

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,  
JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

Case No. LL-2806-4

ORDER

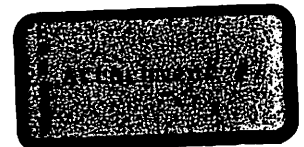
The Court hereby grants leave to the plaintiff to edit the deposition of John B. Buckovich given 1/22/02, to include only those portions itemized in the attached excerpts, dated 8/11/03 in the bottom left corner.

In addition, this Court rules that the plaintiff, as part of her case in chief, may present these excerpts to the jury, without any additions or deletions.

Enter: \_\_\_\_\_  
Judge

Date: \_\_\_\_\_

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
120 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658



100

I ASK FOR THIS:

---

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
Counsel for the plaintiff

SEEN AND AGREED:

---

Beverly A. Burton, Esquire  
Vicki W. Harris, Esquire  
Counsel for defendants  
L:12.08

**CUTHBERT  
LAW OFFICES**

PROFESSIONAL CORPORATION  
20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658

Issues Report [Green v. Buckovitch]

• designation of deposition

[3:2] - [3:11]

1/22/2002 John Buckovich

• designation of deposition

page 3

1  
2 JOHN BUCKOVICH, a Witness, called by the  
3 Defendant, first being duly sworn, testified as  
4 follows:  
5  
6 EXAMINATION  
7  
8 BY MR. BAYLISS:  
9 Q Captain Buckovich, would you please state  
10 your name.  
11 A John Buckovich.  
12 Q And your occupation?

[17:19] - [17:22]

1/22/2002 John Buckovich

• designation of deposition

page 17

18 Q Have you ever -- forget the testing on  
19 the video, have you ever shot this frangible round  
20 straight through a door and not at the target area,  
21 which is the hardware?  
22 A No.  
23 MR. CUTHBERT: I object to the form.

[23:22] - [23:23]

1/22/2002 John Buckovich

• designation of deposition

page 23

21 force inside the apartment.  
22 Q Were you also responsible for training  
23 the SWAT team in question at Dove Street?  
24 A What do you mean by training? I was

[24:5] - [24:8]

1/22/2002 John Buckovich

• designation of deposition

page 24

4 frangible rounds?  
5 A I did not do the initial training that we  
6 did in 1993 or 1994. That time Captain Beadles did  
7 it. But yes, I oversaw the training from the time I  
8 took over the team in 1996.  
9 Q How many times did the police department,

[28:18] - [29:12]

1/22/2002 John Buckovich

• designation of deposition

page 28

17 misuse.  
18 Q Do you instruct your officers to fire at  
19 a 30 degree angle?  
20 A We instruct our officers to fire at  
21 approximately a 45 degree angle.  
22 Q Because of the safety involved in doing  
23 otherwise, right?  
24 A Because of the fact that, based on the  
25 information we've got in our training, that's what  
page 29  
1 it's been suggested, and the purpose of that is to  
2 send any fragmentation towards the ground.

Issues Report [Green v. Buckovitch]

• designation of deposition

3 Q And that's for safety purposes, right?  
4 A Yes, sir.  
5 Q To avoid injury to anyone on the other  
6 side, right?  
7 A Yes, sir.  
8 Q And in this particular situation,  
9 Sergeant Ingram was instructed, as your lesson plan  
10 says, to aim the shotgun with a 45 degree angle at  
11 the latch bolt between the lock and the frame?  
12 A Yes, sir.  
13 Q Again, if you would stand up and go over

[57:9] - [57:13]

1/22/2002 John Buckovich

- cross or direct exam to make or expect
- designation of deposition

page 57

8 A I could see it.  
9 Q Based upon what you saw right before the  
10 first round was shot, there was nothing that was  
11 physically preventing him from shooting the round at  
12 a 45 degree down angle?  
13 A Yes, sir, that's correct.  
14 Q You indicated in the film that you -- in

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,  
JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

Case No. LL-2806-4

ORDER

Pursuant to Rule 4:7A(c), the Court hereby grants leave to the plaintiff to edit the video deposition of Sgt. Ingram given 10/14/99, to include only those portions itemized in the attached excerpts, dated 8/11/03 in the bottom left corner.

In addition, this Court rules that the plaintiff, as part of her case in chief, may present these excerpts to the jury, without any additions or deletions.

Enter: \_\_\_\_\_  
Judge

Date: \_\_\_\_\_

**CUTHBERT  
LAW OFFICES**

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658



105



SEEN AND OBJECTED TO<sup>1</sup>:

---

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broaddus  
Cuthbert Law Offices  
Counsel for the plaintiff

SEEN AND AGREED:

---

Beverly A. Burton, Esquire  
Vicki W. Harris, Esquire  
Counsel for defendants  
L:12.08

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
120 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

---

<sup>1</sup> For the reasons stated in the letter and accompanying brief dated July 28, 2003, from plaintiff's counsel to the Court, copy attached.

Issues Report [Green v. Buckovitch]

• designation of deposition

[4:1] - [4:2]

10/14/1999 Sgt. Ingram

• designation of deposition

page 3

25

page 4

1

GEORGE J. INGRAM

2

was duly sworn and testified as follows:

3

[4:13] - [4:15]

10/14/1999 Sgt. Ingram

• designation of deposition

page 4

12 A Yes, sir.

13 Q Would you please state for the record your  
14 name, sir?

15 A My name is George James Ingram.

16 Q And your date of birth?

[4:20] - [5:16]

10/14/1999 Sgt. Ingram

• designation of deposition

page 4

19 A 517-68-6350.

20 Q You are employed by the Department of  
21 Police for the City of Richmond; is that correct?

22 A Yes, sir, I am.

23 Q And for how long have you been employed by  
24 the Department of Police for the City of Richmond?

25 A Twenty-two plus years.

page 5

1 Q And what is your current job title or  
2 position with the Department of Police for the City  
3 of Richmond?

4 A I'm a sergeant assigned to field services.

5 Q And for how long have you held that rank  
6 and position?

7 A The rank has been approximately three  
8 years now and I've been in field services the whole  
9 time.

10 Q What does field services mean?

11 A Patrol division.

12 Q I want to ask you to turn your thoughts to  
13 the raid on December 29, 1998 at 1112 C Dove  
14 Street, Richmond, Virginia. Do you remember that  
15 raid?

16 A Yes, sir, I do.

17 Q When the raid began, what did you

[8:1] - [11:8]

10/14/1999 Sgt. Ingram

• designation of deposition

page 7

25 warrant.

page 8

1 Q As your part in the raid were you the  
2 person in charge with the task of breaching the  
3 kitchen door?

4 A Yes, sir, I was.

5 Q And is that the way you would describe  
6 your function in this raid?

7 A I was a breacher, yes, sir.

8 Q And you were the breacher for the kitchen  
9 door, correct?

Issues Report [Green v. Buckovitch]

• designation of deposition

10 A For the kitchen door, yes, sir.  
11 Q Now, when the raid began, what did you  
12 understand to be your assignment once you succeeded  
13 in breaching the kitchen door?  
14 A My assignment would be to fall back into  
15 the number three position on the three man team  
16 that was assigned to go in that door and we were  
17 just to post up at that door, we weren't even to  
18 enter the building.  
19 Q So you were part of a three person team to  
20 breach the door; is that correct?  
21 A Yes, sir.  
22 Q And you were the breacher in that three  
23 man team; is that correct?  
24 A Yes, sir.  
25 Q And who were the other two members of that  
page 9  
1 team and what were their functions?  
2 A Number one man in that team was Tim  
3 Degrawe and he was a shield man and he had the  
4 ballistic shield that would be protecting other  
5 people on the team. And the number two man who was  
6 also the team leader was Sergeant Jack King and he  
7 would direct the team, and I was the number three  
8 man plus being the breacher.  
9 Q So once you breached the door, were your  
10 functions fulfilled for purposes of this raid?  
11 A We would breach the door and secure the  
12 kitchen visually and any individuals that might be  
13 in the kitchen.  
14 Q What do you mean secure the kitchen  
15 visually?  
16 A If we looked in and saw no one inside the  
17 kitchen, which was a very small room, that's where  
18 we would stay unless called up by the structure  
19 commander to assist anywhere else in the building.  
20 Q And what if there were individuals inside  
21 the kitchen, what did you understand your role to  
22 be with respect to those individuals as of the time  
23 that the raid began?  
24 A We would place them. We would secure  
25 them. We would place them on the ground and secure  
page 10  
1 them until the raid was finished.  
2 Q Before firing the first round in the raid  
3 that resulted in Ms. Green's death, did you know  
4 the composition of the door that was to be your  
5 target, whether it was wooden or metal or solid or  
6 hollow?  
7 A From our intelligence the door looked to  
8 be a wooden door. We couldn't tell if it was a  
9 hollow core door or a solid wooden door, but it  
10 looked to be metal.  
11 Q Excuse me, it looked to be metal?  
12 A I'm sorry, it looked to be wood, but we  
13 weren't sure if it was a solid wooden door or a  
14 hollow core door.  
15 Q And when did you first realize that it  
16 looked to be a wooden door, did you know that  
17 before you arrived at the premises?  
18 A When I approached the door. It was a  
19 wooden door. It was obvious it was a wooden door.  
20 Q Before you arrived on the premises, did  
21 you have any information one way or the other as to  
22 the composition of the door that was to be your  
23 target?  
24 A It appeared that it was, probably through  
25 the intelligence gathering, they said it appeared  
page 11

Issues Report [Green v. Buckovitch]

• designation of deposition

1 to be a wooden door, but 100 percent sure we didn't  
2 know what kind of door it was until we got right  
3 there.  
4 Q So when you left to begin this raid, you  
5 anticipated that it would be a wooden door that you  
6 would be breaching but you weren't sure of that, is  
7 that a fair statement?  
8 A Yes, sir, that's a fair statement.  
9 Q Before you fired the first frangible --

[11:10] - [11:16]

10/14/1999 Sgt. Ingram

• designation of deposition

page 11

9 Q Before you fired the first frangible --  
10 well, let me go back. After you got on the scene,  
11 you confirmed visually that it was a wooden door  
12 that was to be your target; is that correct?  
13 A Yes, sir.  
14 Q And you did that before you fired the  
15 first round; is that correct?  
16 A Correct.  
17 Q Before you fired the first frangible round

[12:25] - [13:11]

10/14/1999 Sgt. Ingram

• designation of deposition

page 12

24 A Not that I recollect.  
25 Q Now, what about the lock, before you fired  
page 13

1 the first round in this raid on December 29, 1998,  
2 what did you determine to be the nature of the lock  
3 that was on that door?  
4 A As we approached the door we looked, there  
5 was a door knob that didn't appear to have any  
6 lock, exterior key lock and associated with that  
7 was a dead bolt lock. It looked like a standard,  
8 typical dead bolt lock that was associated with it.  
9 As with our procedures I tried the door knob just  
10 to make sure that the door was locked and not open.  
11 I did that and I went from there with my breaching.  
12 Q Now the dead bolt lock was above the knob;

[13:16] - [13:22]

10/14/1999 Sgt. Ingram

• designation of deposition

page 13

15 it was above the lock.  
16 Q And you determined visually that the knob  
17 itself had no locking mechanism to it, it was just  
18 a knob without a lock?  
19 A A standard door knob, that's what it  
20 appeared to me at the time. I reached over and  
21 tried to turn it, it was free turning but the door  
22 was locked.  
23 Q At any point did you examine that knob

[14:2] - [15:17]

10/14/1999 Sgt. Ingram

• designation of deposition

page 14

1 A No, sir, I did not.  
2 Q Before you arrived outside the kitchen  
3 door on the night of this raid, what did you know  
4 about the height of the lock above the surface on

Issues Report [Green v. Buckovitch]

• designation of deposition

5 which you had to stand in order to shoot out the  
6 lock?  
7 A Intelligence said that it looked like a  
8 standard lock and door knob which means it would be  
9 a standard, such as on this door here, would be a  
10 standard height lock. It didn't appear to be high  
11 or low, just a standard door knob and locking  
12 system.  
13 Q And before that raid began -- before you  
14 arrived at the scene that night, what information,  
15 if any, did you have as to whether the apartment  
16 was on a slab that was above the surface on which  
17 you would have to stand in order to shoot at the  
18 lock?  
19 A The question was asked whether or not we  
20 had steps either at the front door or the back  
21 door. I asked about the back door. Our  
22 intelligence said there were no steps leading into  
23 the back door. That was the only intelligence that  
24 I had as far as any steps or slabs or any height  
25 differential.

page 15

1 Q So before you arrived at the apartment on  
2 the night of this raid, you thought that the level  
3 on which you would stand would be the same level as  
4 the level of the floor inside?  
5 A Normally when you step into buildings  
6 they're never that level because buildings are  
7 stepped up and if you don't have a step on the  
8 outside there might be a short stoop, which I  
9 believe that this place had, a three or four inch  
10 stoop. You're always going to have that going into  
11 a structure.  
12 Q So the fact that the apartment in this  
13 case was on slab that was elevated a bit above the  
14 surface on which you had to stand, that did not  
15 surprise you, did it?  
16 A No, sir, that's normal for going into a  
17 structure.  
18 Q Before you fired the first round in

[16:11] - [16:23]

10/14/1999 Sgt. Ingram

• designation of deposition

page 16

10 A Yes, sir.  
11 Q How about the layout, what information did  
12 you have as to the layout of that first floor of  
13 this apartment before the raid began?  
14 A The layout, as I recall from my part of  
15 the raid, was that we had the front door which led  
16 into a living room, small living room with a  
17 hallway and steps going upstairs that would be on  
18 your right-hand side as you came through the door.  
19 The living room, as you went through the front door  
20 off to your left side would be the entrance to the  
21 kitchen where the door that we were coming in came  
22 into the kitchen would be the general layout of the  
23 first floor.  
24 Q In connection with this raid, once you got

[17:4] - [17:11]

10/14/1999 Sgt. Ingram

• designation of deposition

page 17

3 not immediately enter the apartment.  
4 Q At any time before you left the apartment  
5 that night did you enter it?

Issues Report [Green v. Buckovitch]

• designation of deposition

6 A Yes, sir.  
7 Q Did you go into the living room/dining  
8 room area as well as into the kitchen area?  
9 A No, sir, I was in the kitchen the whole  
10 time. I was in the kitchen and I left through the  
11 kitchen door.  
12 Q So at any time on the night of December

[27:5] - [28:8]

10/14/1999 Sgt. Ingram

• designation of deposition

page 27

4 between -- excuse me. Subject to that objection,  
5 tell me everything that you remember doing in the  
6 interval of time between the time when you arrived  
7 at 1112 C Dove Street on December 29, 1998 and the  
8 time when you fired the first round at the kitchen  
9 door?

10 A When we arrived the teams split off, the  
11 front team going to the front door, the rear team  
12 going to the rear door. We approached the rear  
13 door is set up in our team and I waited for the  
14 command to breach.

15 Q And is there anything that you remember  
16 doing in that interval other than waiting for the  
17 command to breach?

18 A No, sir, we approached, took up my  
19 position and waited for the command to breach.

20 Q You tried the door knob?

21 A That's after I was told to breach.

22 Q Describe for me, please, the weapon that  
23 you used to fire the five shells that you fired in  
24 the raid that we've been talking about?

25 A It is a Remington 870 that's been

page 28

1 modified, it has a rifle sight with a O ring scope  
2 and a light kit.

3 Q And is it a pump action?

4 A Yes, sir.

5 Q And what is the length of the barrel?

6 A I'm not sure the exact length of the  
7 barrel on that weapon. It is a shortened barrel,  
8 but I'm not sure of the exact length.

9 Q Is it the standard shortened length of

[31:17] - [35:18]

10/14/1999 Sgt. Ingram

• designation of deposition

page 31

16 A Comparable.

17 Q How did you know when to try that door  
18 knob?

19 A That's a standard procedure we do on all  
20 doors when we come up to a door, for all breachers.

21 Q But you did not do that until you'd  
22 received the signal to begin, is that correct?

23 A Correct.

24 Q And how did you receive that signal to  
25 begin?

page 32

1 A My team leader says move or breach, and  
2 that night I believe he said move. We waited --  
3 there was a signal. We waited for an external  
4 signal and that was for a window being broken out.

5 Q Did you hear the window being broken out  
6 yourself?

7 A Yes, I did.

8 Q And then what's the next thing that you

Issues Report [Green v. Buckovitch]

• designation of deposition

9 heard?  
10 A Move.  
11 Q And who said that, Sergeant King?  
12 A Jack King, yes.  
13 Q And was there any appreciable lapse of  
14 time between the time when you heard the window  
15 break and the time when Sergeant King said move?  
16 A They were almost at the same time.  
17 Q And was there any significant delay on  
18 your part between the time when Sergeant King said  
19 move and the time when you tried that door knob?  
20 A No, sir, it was very immediate.  
21 Q And what did you do next after trying the  
22 door knob and finding that it turned but that the  
23 door did not open?  
24 A I began my breaching technique.  
25 Q And what exactly did that involve?  
page 33  
1 A That involved me shooting the frangible  
2 rounds at the locking system on the door.  
3 Q Now, just before you fired -- excuse me.  
4 Altogether, how many shots did you fire at the  
5 kitchen door that night?  
6 A Five.  
7 Q Now, just before you fired the first shot  
8 at the kitchen door, was the door intact? Was  
9 there any hole in the door?  
10 A No, sir.  
11 Q And in connection with the first load that  
12 you fired at the door, at what point of the door  
13 did you point the barrel of the shotgun?  
14 A The sights were placed on the lock, the  
15 area between the dead bolt lock and where the frame  
16 is there's a small area that's exposed and that's  
17 the area that we shot at.  
18 Q And why is it that you shot at that area  
19 between the dead bolt lock and the frame?  
20 A That's where the throw goes into the frame  
21 from the lock.  
22 Q So you were shooting at the throw, the  
23 dead bolt throw for that first shot, correct?  
24 A Correct.  
25 Q And what was the approximate angle between  
page 34  
1 the line of the barrel and the plane of the door  
2 when you fired that first breaching load?  
3 A As far as angle, do you mean up, down,  
4 right, left?  
5 Q Yes.  
6 A Optimally you try to get somewhere close  
7 to a 45 degree angle, but generally you want a  
8 downward angle on it and the way most doors are  
9 you're pretty much going to be in a downward angle  
10 on the frame.  
11 Q And why is it that you generally want a 45  
12 degree downward angle?  
13 A That's the way we train and the philosophy  
14 being that when the shot lock or the frangible  
15 round hits the lock, you want to take the debris of  
16 the throw and any wood debris and have it fall  
17 downwards inside the structure.  
18 Q And why is that?  
19 A Just to prevent any injuries if it should  
20 occur, if you should throw a dead bolt or  
21 splinters. It's just an added safety feature.  
22 Q So it's out of concern for the safety of  
23 the individuals inside the unit that you attempt to  
24 aim downward at a 45 degree angle; is that correct?  
25 A Yes, sir.

Issues Report [Green v. Buckovitch]

• designation of deposition

page 35

1 Q And in connection with that first  
2 breaching load that you fired that night, did you  
3 get the barrel of the shotgun down to 45 degrees?  
4 A I wouldn't be able to tell you -- stand up  
5 here and tell you if I'm shooting 45 degrees is  
6 what we say in training, what we attempt to do in  
7 training. I couldn't tell you if I was at 45  
8 degrees that night or close to 45 degrees. I  
9 didn't have an instrument measuring, but I was at a  
10 good downward slope and I was pointing downward.  
11 Now whether it was at an exact 45 degree angle, I  
12 couldn't tell you that.  
13 Q What is your best estimate as to what that  
14 downward angle was when you fired the first shot?  
15 A Again, it was at a good downward angle and  
16 I wouldn't be able to estimate whether it was 60 or  
17 50 or 40 degrees, I wouldn't be able to estimate  
18 that.  
19 Q Do you think it was more than 45?

[36:10] - [37:25]

10/14/1999 Sgt. Ingram

• designation of deposition

page 36

9 answered that.  
10 Q When you fired that first breaching load,  
11 what was the distance between the end of the barrel  
12 and the surface of the door?  
13 A Approximately three and a half to four  
14 inches gap, maybe six inches at most.  
15 Q Was that by design?  
16 A That's what I intended, yes, sir.  
17 Q And why did you intend that?  
18 A Well, it gives me room to maneuver the  
19 barrel and prevent any back blast on myself or the  
20 people behind me.  
21 Q How did you hold that shotgun in  
22 connection with that first breaching load that you  
23 fired?  
24 A It's a shoulder mounted weapon, it was in  
25 my shoulder and in the proper firing position with  
page 37

1 my eyes lined on the sights.  
2 Q And what was the kick like?  
3 A Comparable to shooting a shotgun, a 12  
4 gauge.  
5 Q Now, just before you fired the second  
6 breaching load, was there a hole in the door?  
7 A Could you say again?  
8 Q Just before you fired the second of the  
9 five breaching loads, was there a hole in the door?  
10 A Yes, sir, there was.  
11 Q You saw the hole visually?  
12 A I shot and checked after each shot, yes,  
13 sir, I saw the hole visually.  
14 Q And how big was that hole?  
15 A The hole is about the size that a 12 gauge  
16 would make, maybe quarter size or less, something  
17 like that.  
18 Q So after the first shot you realized that  
19 the breaching load had penetrated the door,  
20 correct?  
21 A Penetrated the door right where the throw  
22 was, about the location of the throw, or where the  
23 throw is. You can't see the throw obviously when  
24 the door is locked, but approximately where the  
25 throw is.



Issues Report [Green v. Buckovitch]

• designation of deposition

page 38

1 Q Did you attempt to look through that

[38:8] - [38:18]

10/14/1999 Sgt. Ingram

• designation of deposition

page 38

7 looking through a hole.

8 Q Just before you fired the second breaching  
9 load, where did you point the barrel of the  
10 shotgun?

11 A It was pointed below the original location  
12 where I had shot.

13 Q And why did you point it below the  
14 original location where you shot the first time?

15 A The door hadn't come opened, hadn't swung  
16 open on the first shot and how you work this is you  
17 shoot, you look, you shoot, you look, working in a  
18 pattern to clear it where the throw would be.

19 Q So you fired the first breaching round?

[42:2] - [42:14]

10/14/1999 Sgt. Ingram

• designation of deposition

page 42

1 stoop down and look through a hole, no, sir.

2 Q Now, when you fired the second round, what  
3 was the approximate angle between the line of the  
4 barrel and the plane of the door?

5 A Similar to the first shot. There  
6 obviously would be a little bit of difference, but  
7 it would be similar to the first shot.

8 Q Why would it obviously be a little bit of  
9 difference?

10 A Because I would be working my way down so  
11 the angle would obviously change as you're working  
12 your way down.

13 Q And how would it change?

14 A Inch at a time maybe.

15 Q So is it your recollection that when you

[43:11] - [44:11]

10/14/1999 Sgt. Ingram

• designation of deposition

page 43

10 steeper.

11 Q Yes, the angle would become steeper as you  
12 went down?

13 A Correct, sir.

14 Q So on the night of this raid, was the most  
15 steep shot that you fired the last one?

16 A It would be, yes, sir.

17 Q And the least steep shot was the first  
18 one?

19 A Correct, sir.

20 Q And the others in between became  
21 progressively steeper as the number of shots  
22 increased, is that correct?

23 A Yes, sir.

24 Q And in connection with that second load  
25 that you fired, what was the approximate distance

page 44

1 between the end of the barrel and the surface of  
2 the door?

3 A All about the same from the first one.

4 Q Is that true for all five of these shots?

5 A All five of the shots were about the same.

Issues Report [Green v. Buckovitch]

• designation of deposition

6 Q And for all five shots was the butt of the  
7 shotgun at your shoulder?  
8 A Yes, sir.  
9 Q And for all five of the shots was the kick  
10 of the shotgun approximately the same?  
11 A Yes, sir.  
12 Q And was there anything unusual about the

[44:16] - [47:20]

10/14/1999 Sgt. Ingram

• designation of deposition

page 44

15 A No, sir.  
16 Q Now, after you fired that second breaching  
17 load and before you fired the third one, were there  
18 two holes in the door at that point?  
19 A Yes, sir, there were.  
20 Q And where were they and how big were they?  
21 A Again, I would say approximately quarter  
22 size and they were contiguous, one on top of each  
23 other, maybe a little off angle, but they were  
24 right below the first one.  
25 Q And did you look to see whether any light

page 45

1 was coming through the door at that point?  
2 A No, sir, I stopped, checked the door and  
3 it was not open and so I continued my breaching  
4 technique.  
5 Q What do you mean when you say you stopped  
6 and checked the door and the door was not open?  
7 A When you hit these throws right, sometimes  
8 it takes two and sometimes it take five shots, the  
9 door will come open, you'll knock the throw out,  
10 and it wasn't open at that time.  
11 Q So did you do anything else between the  
12 time of the second shot and the time of the third  
13 shot other than look at the door to see whether it  
14 was opened?  
15 A No, sir.  
16 Q Not a thing in the world?  
17 A No, sir. Did my first shot, checked.  
18 Second shot, checked. Third shot, checked and so  
19 on.  
20 Q And when you say checked, it's a visual  
21 check, correct?  
22 A It's called a visual and toe check is what  
23 we do.  
24 Q A visual and what?  
25 A A visual and toe check is the technique.

page 46

1 Some breachers use their hands, I use my toes.  
2 Between shots I reach up and I tap the door with my  
3 foot to see if it will spring open.  
4 Q And other than touching the door with your  
5 foot in between these five shots, did you come in  
6 contact with the door or the door hardware?  
7 A No, sir.  
8 Q You didn't touch the door or the door  
9 hardware except with your toe, is that correct?  
10 A Correct, bottom of the door. To explain  
11 it so there won't be any confusion here, you shoot,  
12 you stop, you do a visual check and you just kind  
13 of nudge it with your toe and then you realign,  
14 shoot. And it's not a thing that you're doing  
15 instantaneously, you're purposely doing it because  
16 you're trying to be accurate here and you're trying  
17 to breach the door safely and get in.  
18 Q Now, after the second shot the door was

Issues Report [Green v. Buckovitch]

• designation of deposition

19 still closed, correct?  
20 A Yes, sir.  
21 Q And you pushed on it with your foot and it  
22 did not open, correct?  
23 A Correct.  
24 Q And is there anything else you did between  
25 the second and third shots?

page 47

1 A It was the same technique through all the  
2 shots.  
3 Q So you did nothing else between the second  
4 and third shot?  
5 A Did a visual check and then a little toe  
6 nudge and then just continued on.  
7 Q Now, just before you fired the fourth  
8 breaching load, how many holes were there in the  
9 door?  
10 A Three.  
11 Q And were they each separate holes, or did  
12 they start to kind of bleed together?  
13 A They started to bleed together, one, two  
14 and then it was starting to take pieces out of the  
15 area of the lock.  
16 Q What do you mean out of the area of the  
17 lock?  
18 A Well, where the dead bolt is, the area  
19 that I was aiming at, the area between the dead  
20 bolt and the frame where the door is exposed.  
21 Q But the second and third shots were below

[48:4] - [53:6]

10/14/1999 Sgt. Ingram

• designation of deposition

page 48

3 five.  
4 Q So they were basically vertical?  
5 A Vertical, more or less vertical, yes, sir.  
6 Q And so no one shot was beside another  
7 shot?  
8 A No, sir.  
9 Q And just before you fired the fourth  
10 breaching load, were you able to see light through  
11 the door?  
12 A I don't recall, sir. I did a visual check  
13 and I don't recall light coming through the door.  
14 Q You did a visual check to see whether the  
15 door was open, correct?  
16 A Correct, but I don't recall light coming  
17 through at that time.  
18 Q Did you do a visual check to determine  
19 whether light was coming through the door between  
20 the third and the fourth shots?  
21 A No, sir.  
22 Q And in connection with that fourth shot,  
23 your barrel was below the hole that you made with  
24 the third shot; is that correct?  
25 A Correct.

page 49

1 Q And it was at a little bit steeper angle  
2 than the angle at which you fired the third shot,  
3 correct?  
4 A Correct.  
5 Q Do you think at that point you were down  
6 to 45 degrees in terms of an angle?  
7 A I don't know, sir.  
8 Q And again, the distance between the end of  
9 the barrel and the surface of the door in  
10 connection with that fourth shot was three or four

Issues Report [Green v. Buckovitch]

• designation of deposition

11 inches?  
12 A Correct.  
13 Q And again, the shotgun was at your  
14 shoulder?  
15 A Correct.  
16 Q Did you have any difficulty firing at that  
17 angle when you fired the fourth shot with the butt  
18 of the shotgun on your shoulder?  
19 A No, sir.  
20 Q Did you have to stand on tiptoe?  
21 A No, sir.  
22 Q At any time that night in connection with  
23 any of the five rounds did you have to stand on  
24 tiptoe?  
25 A Not during firing, no, sir.

page 50

1 Q At any time that night did you stand on  
2 tiptoe in connection with this raid?  
3 A No, not on tiptoe. When I had to nudge  
4 the door, I had to bring my left foot up to touch  
5 the door and come back down, but I wasn't on  
6 tiptoe, no, sir.  
7 Q Now, just before you fired the fifth  
8 breaching round, was there any light coming through  
9 the door?  
10 A I don't recall, sir.  
11 Q And again, that fifth place that you aimed  
12 was below the first four shots that you put in the  
13 door, correct?  
14 A Correct.  
15 Q And so again, the angle was steeper than  
16 the angle for the first four shots when you fired  
17 the fifth, correct?  
18 A Yes, sir.  
19 Q And again, we're talking about three to  
20 four inches away from the door for that fifth  
21 breaching load?  
22 A Yes, sir.  
23 Q And the butt of the shotgun was at your  
24 shoulder, correct?  
25 A Correct.

page 51

1 Q And on all these the kick was essentially  
2 the same, correct?  
3 A Correct.  
4 Q And nothing out of the ordinary, nothing  
5 from what you would expect?  
6 A No, sir.  
7 Q Now, in the interval between the first and  
8 the second shots, about how much time passed?  
9 A It would be fairly quick. You shoot,  
10 check, shoot, check, shoot, check. It's fairly  
11 deliberate. I mean it's not like we count seconds  
12 between shots, as long as you complete the task as  
13 you do it. Shoot, check, shoot, check, shoot,  
14 check. You don't just go bam, bam, bam. You're  
15 checking, you're doing what you're supposed to do  
16 between shots.  
17 Q And the checking that you're referring to  
18 is checking to see whether the door has come open  
19 either in response to your shooting or in response  
20 to your kick?  
21 A Correct, the nudge thing, which that is  
22 something that I personally do, is a technique that  
23 I do.  
24 Q Now this is a pump action shotgun,  
25 correct?

page 52

1 A Remington Model 870 pump action shotgun,

Issues Report [Green v. Buckovitch]

• designation of deposition

2 yes.  
3 Q So you had to reload that magazine between  
4 each of these five shots by pulling that pump back  
5 toward the trigger, correct?  
6 A Correct, sir.  
7 Q So what is your best estimate as to the  
8 approximate amount of time that passed between the  
9 first shot you fired at the kitchen door that night  
10 and the second shot you fired at the kitchen door  
11 that night?  
12 A It would be approximately a second. It  
13 wouldn't be long. It would be a long second. It's  
14 a very deliberate. You're not doing it real fast  
15 where you can pump out as many rounds as you can.  
16 It would be approximately a second. Maybe a little  
17 longer than a second. I'm not sure of the exact  
18 time.  
19 Q Now how about the interval of time between  
20 the second and the third shot, approximately how  
21 much time passed?  
22 A They'd all be about the same.  
23 Q And at any point in the interval between  
24 the first shot and the fifth shot that you fired  
25 that night, did anything happen that you considered  
page 53  
1 to be unusual other than what you were doing?  
2 A No. We knew they were busy at the front,  
3 we could hear the shots being fired so we weren't  
4 sure what was going on at the front, but other than  
5 that everything we were doing was a normal entry  
6 using our tools.  
7 Q You actually heard shots that night; is

[53:10] - [53:23]

10/14/1999 Sgt. Ingram

• designation of deposition

page 53  
9 A Yes.  
10 Q Excuse me, that night did you hear shots  
11 coming from inside?  
12 A Yeah, you could tell they were being fired  
13 inside from the other side of the door, yes. You  
14 could hear shots and you could hear the shots, and  
15 they're pretty obvious that they were coming from  
16 the inside.  
17 Q And how many shots did you hear coming  
18 from inside the apartment that night?  
19 A I don't recall the exact number.  
20 Q Was it more than one?  
21 A Yes, it was more than one.  
22 Q You heard more than one shot?  
23 A We heard more than one shot, yes.  
24 Q So in between the time when you fired --

[56:3] - [57:11]

10/14/1999 Sgt. Ingram

• designation of deposition

page 56  
2 open.  
3 Q At any time before you finally got the  
4 kitchen door open, did you try the door knob to see  
5 if it would turn other than that first time before  
6 the first frangible shot?  
7 A No, sir.  
8 Q So it could have been that the reason that  
9 the door wouldn't open was that the throw that was  
10 connected with the knob was keeping it from  
11 opening; isn't that true?

Issues Report [Green v. Buckovitch]

• designation of deposition

12 A The door knob throw?  
13 Q Yes, sir.  
14 A It's possible. I'd have to look at  
15 pictures to see how far up and down I came on it,  
16 but that's possible, yes, sir, it's possible that  
17 that was holding the door shut. When I nudged the  
18 door and it didn't open and so I called the ram and  
19 one tap, the door did come open.  
20 Q Well, how could you possibly have expected  
21 the first of the five frangible shots to have  
22 caused the door to open if there was a throw  
23 attached to the knob and you didn't try the knob?  
24 A We went up and down, sir, and if you see  
25 how we placed our shots and those are -- those door  
page 57  
1 knobs are generally insignificant, they  
2 disintegrate with just the pressure of the round  
3 coming through and knocking holes in the door, but  
4 could part of the throw from the dead bolt still  
5 have been stuck in the frame, or could the lock on  
6 the door of the turn knob been stuck, I don't know.  
7 All I know is that it didn't come open when I used  
8 my toe to push the door and we don't haul off and  
9 kick doors, so I called for the ram to open the  
10 door and one hit with the ram and the door came  
11 open.  
12 Q Wouldn't you agree, though, that the

[57:25] - [58:20]

10/14/1999 Sgt. Ingram

• designation of deposition

page 57  
24 it that night and it may be that distance.  
25 Q Let me make sure that I understand this;  
page 58  
1 at any time that night after you fired the first  
2 frangible slug, did you turn the door knob to see  
3 if you could get the door open?  
4 A No, sir. Between the first and fifth, no,  
5 sir, I did not try the door knob, no, sir.  
6 Q Altogether how many seconds passed,  
7 approximately, between the time when you fired the  
8 first round until the time when you fired the last  
9 of the five?  
10 A Maybe six seconds, six to seven seconds,  
11 in that time frame would be a guess.  
12 Q Is that your best estimate, six to seven  
13 seconds?  
14 A Somewhere in there. It may be a little  
15 longer, may be a little shorter. I would assume  
16 that it would be less than 10 seconds.  
17 Q You feel pretty confident that it was less  
18 than 10 seconds?  
19 A I'm very confident that it was less than  
20 10 seconds.  
21 Q Let me make sure that what I'm asking is

[60:19] - [61:6]

10/14/1999 Sgt. Ingram

• designation of deposition

page 60  
18 A No.  
19 Q At any time in that interval between the  
20 time when you fired the first round and the time  
21 you fired the last round, did you say anything to  
22 anybody?  
23 A The only time I said anything to anybody  
24 was after the fifth round was fired and the door

Issues Report [Green v. Buckovitch]

• designation of deposition

25 wasn't open and I called up for the ram.

page 61

1 Q And what is calling up for the ram  
2 involve?

3 A We have a person that brought up the ram  
4 and was standing by with the ram and if I needed  
5 the ram all I had to do was yell for the ram and he  
6 brought me the ram.

7 Q And who was that person?

[63:9] - [64:10]

10/14/1999 Sgt. Ingram

• designation of deposition

page 63

8 and what they have on it.

9 Q What was the approximate distance between  
10 where you visualized the throw of the dead bolt to  
11 be and the location of the last of the five  
12 frangible shots you fired that night?

13 A The distance of maybe four inches at the  
14 total throw, maybe four or five inches at most.

15 Q But even so, your purpose in firing the  
16 fifth of the frangible slug rounds was to dislodge  
17 the throw of the dead bolt, wasn't it?

18 A That's what you're looking to do, yes,  
19 sir. You're trying to dislodge the dead bolt and  
20 anything that may have jammed up getting that door  
21 open, yes, sir.

22 Q You weren't aiming for the throw attached  
23 to the knob when you fired the fifth of those  
24 frangible slugs, were you?

25 A No, sir. That wouldn't be where I'd be

page 64

1 going at, no, sir.

2 Q Now, when you fired the five frangible  
3 slugs, were you standing at approximately the same  
4 place each time?

5 A I was at the same place each time.

6 Q And was that on the sidewalk?

7 A That was right by the door, so in front of  
8 the door. So I was looking down at the door, so it  
9 would be on the sidewalk, I guess, that leads up to  
10 the back door.

11 Q But you weren't on that little bit of lip

[70:24] - [71:5]

10/14/1999 Sgt. Ingram

• designation of deposition

page 70

23 front and back door had TKO rounds used on them.

24 Q Did anyone else shoot into the kitchen  
25 that night?

page 71

1 A No, sir.

2 Q You were the only one who shot in the  
3 kitchen that night?

4 A I was the only one who shot at the kitchen  
5 door, yes, sir.

6 Q To best of your information, knowledge and

[71:22] - [74:13]

10/14/1999 Sgt. Ingram

• designation of deposition

page 71

21 anything inside the kitchen.

22 Q You did enter the kitchen that night,  
23 didn't you?

Issues Report [Green v. Buckovitch]

• designation of deposition

24 A Yes, sir, I did.  
25 Q When you entered the kitchen, did you see  
page 72  
1 any evidence that any of the five frangible loads  
2 that you'd fired had penetrated the kitchen door?  
3 A Well, the door -- there was a hole through  
4 the door once we got in and parts of the lock and  
5 everything were on the inside of the kitchen.  
6 There was debris from the door inside the kitchen.  
7 Q Other than that, did you see any evidence  
8 that one or more of the frangible loads that you  
9 fired that night penetrated the kitchen door at  
10 1112 C Dove Street?  
11 A Just the debris that I saw on the door,  
12 that was the only thing I saw that we had on the  
13 floor.  
14 Q The debris you saw on the door?  
15 A On the floor, that had fallen off, parts  
16 of the locking system that were right there in  
17 front of us.  
18 Q How about the door itself, at any time  
19 that night did you examine the inside of the door  
20 or look at the inside of the door?  
21 A On the way out, yes, sir, I did look at  
22 the inside of the door. I saw where we had  
23 fractured the door and hit the lock.  
24 Q When you say we you mean you, don't you?  
25 A I mean me, yes, sir.  
page 73  
1 Q And describe what you saw about the inside  
2 of that kitchen door that night.  
3 A Just that we had, maybe about that long,  
4 five, six inches, I'm not sure the correct distance  
5 would be that I had cut away the door around where  
6 the lock was.  
7 Q So you once you got inside the kitchen,  
8 you saw from the inside of the kitchen that on the  
9 inside of the kitchen door there was a hole that  
10 was five to six inches tall all the way through the  
11 kitchen door?  
12 A Through the door, yes, sir.  
13 Q And the approximate dimension of that hole  
14 was five to six inches high, is that correct?  
15 A Yes, I'd say like that. I didn't stop to  
16 measure the distance. I didn't get a long time to  
17 look at it on the way out.  
18 Q Maybe four to six inches high?  
19 A Maybe, sir. Without measuring it and  
20 having a measure, I wouldn't want to guess.  
21 Q But in any event, you observed that hole  
22 from top to bottom?  
23 A I observed the damage done to the door  
24 from the inside, yes, sir.  
25 Q Now, how was that damage done to that  
page 74  
1 door?  
2 A It would be damage consistent to using  
3 shot lock.  
4 Q Consistent with using a shot lock?  
5 A That's another name for a frangible round,  
6 sir.  
7 Q Now, before you left the kitchen that  
8 night then you realized that you had probably blown  
9 a hole in the kitchen door, is that correct?  
10 A I had shot the lock out, yes, sir.  
11 Q And in shooting the lock out, you'd blown  
12 a hole in the kitchen door, hadn't you?  
13 A Yes, sir.  
14 Q And before you left the apartment that



Issues Report [Green v. Buckovitch]

• designation of deposition

[74:19] - [76:14]

10/14/1999 Sgt. Ingram

• designation of deposition

page 74

18 kitchen door.

19 Q And did that concern you?

20 A No, sir. The round -- at that time the  
21 round had done what it's supposed to do is knock  
22 the lock through so we can get inside of a  
23 structure.

24 Q So it didn't concern you that in doing so  
25 you'd blown a hole in the door that was four to six  
page 75

1 inches high?

2 A No, sir, that's what we're looking for.

3 That's what it's supposed to do, it's supposed to  
4 knock the lock and debris and make a hole in things  
5 so we can knock locks off doors.

6 Q So from your perspective the frangible  
7 slug did exactly what it was supposed to do; is  
8 that correct?

9 A Yes, sir.

10 Q When you fired the five loads at the  
11 kitchen door in connection with this raid, was your  
12 goal simply to get the door open?

13 A That was my goal, I'm a breacher and  
14 that's what I'm there to do is to breach the door.

15 Q You weren't trying to hit anybody on the  
16 other side, were you?

17 A No, sir.

18 Q You weren't trying to defend yourself or  
19 others from shots you heard inside when you fired  
20 at that door?

21 A No, sir.

22 Q When you fired any of those five loads at  
23 the kitchen door, were you aware that there were  
24 people in the room on the other side of the door?

25 A No, sir.

page 76

1 Q When you fired those five shots at the  
2 door, did you even consider that there might be  
3 people in the room on the other side of the door?

4 A You're always aware of that, the room that  
5 you're going into might be occupied. You're always  
6 aware of that.

7 Q So you did consider that there might be  
8 people on the other side of the door?

9 A You always assume that there might be  
10 somebody on the other side of the door, yes, sir.

11 Q And you were aware of that possibility as  
12 you shot each of the five frangible loads at that  
13 door; is that correct?

14 A Correct, sir.

15 Q At any time when you fired those five

[80:14] - [81:12]

10/14/1999 Sgt. Ingram

• designation of deposition

page 80

13 A Once.

14 Q Did you ever figure out what kept the  
15 kitchen door from coming open without the aid of  
16 the ram?

17 A No, sir.

18 Q Can you rule out that what kept the door  
19 from opening before you used the ram was the throw  
20 attached to the knob? Can you rule that out?

21 A I can't rule that out, no, sir.

Issues Report [Green v. Buckovitch]

• designation of deposition

22 Q In connection with this raid, when did you  
23 first consider switching over from frangible slugs  
24 to some other method of breaching the door?  
25 A After my fifth round was shot and the door  
page 81  
1 wasn't open.  
2 Q Not until then did you consider an  
3 alternative?  
4 A No, sir.  
5 Q Why didn't you consider an alternative  
6 before then?  
7 A That was my primary tool for that  
8 particular job and my secondary tool was the ram.  
9 Q Because you heard a shot fired from inside  
10 the apartment, did you change your course of action  
11 in any way?  
12 A No, sir.  
13 Q After you got the kitchen door open, who

[83:10] - [85:10]

10/14/1999 Sgt. Ingram

• designation of deposition

page 83  
9 nobody came past that, no, sir.  
10 Q So after you got the kitchen door open,  
11 who was the first person to enter the kitchen?  
12 A It would be Tim Degrawe.  
13 Q And did you see him enter the kitchen at  
14 that point?  
15 A I was with him, so yeah. When he did  
16 enter the kitchen, I was with him, yes.  
17 Q And was anyone else with him when he  
18 entered the kitchen?  
19 A Jack King was there with him. The three  
20 of us did enter the kitchen area.  
21 Q Before any of the three of you stepped  
22 into the kitchen area, did you look in the kitchen?  
23 A Yes, sir.  
24 Q Tell me what you saw.  
25 A We identified three adults and two  
page 84  
1 juveniles in the kitchen at that time. There were  
2 two adult females, one adult male and two children.  
3 Q And what did you observe about each before  
4 anyone entered the kitchen?  
5 A We saw them in the kitchen, we saw in the  
6 left-hand corner as we looked into the kitchen  
7 there was an adult female and directly below the  
8 adult female was an adult male who was trying to  
9 hide behind her. And in the right-hand corner of  
10 the kitchen there was an adult female who had been  
11 injured and underneath her was a small child, and  
12 directly in front of us closer to the left-hand  
13 corner near the other female was another juvenile.  
14 Q Female?  
15 A The children were both female.  
16 Q Both of them under the age of six?  
17 A Yes, I would say that, yes.  
18 Q So when you first looked into the kitchen  
19 after you got the door open that night, you saw  
20 three adults and two female children under the age  
21 of six, correct?  
22 A Correct.  
23 Q And one of those adults appeared to you to  
24 be injured, is that correct?  
25 A Correct.  
page 85  
1 Q Did you learn the identity at any point of

Issues Report [Green v. Buckovitch]

• designation of deposition

2 the adult female who appeared to be injured?  
3 A The only time I learned about her identity  
4 was I think the next day. In fact I know it was,  
5 either the next day or the day after that.  
6 Q And when you learned her identity, did you  
7 learn that that was Christie Green?  
8 A When they said her name was Christie  
9 Green, I learned her name when they announced who  
10 it was.  
11 (Document 114: Diagram)

[100:13] - [101:5]

10/14/1999 Sgt. Ingram

• designation of deposition

page 100

12 okay, both children were okay.  
13 Q After you succeeded in getting the kitchen  
14 door open and entered the kitchen, did you see any  
15 indication that any of the frangible slugs that  
16 you'd fired, or any debris from the door resulting  
17 from frangible slugs that you fired had damaged the  
18 floor of the kitchen?  
19 A I saw some debris from the door on the  
20 floor. I don't think it damaged the floor. I saw  
21 some debris on the floor is what I saw.  
22 Q So on that night at any time did you see  
23 any damage to the floor in the kitchen of 1112 C  
24 Dove Street?  
25 A Not that I can think of, not damage to the  
page 101

1 floor, no, sir.  
2 Q Did you ever determine why the kitchen  
3 door did not open after you shot it five times at  
4 point blank range with a 12 gauge shotgun?  
5 A No, sir.  
6 (Document 109: Lesson plan)

[101:7] - [103:13]

10/14/1999 Sgt. Ingram

• designation of deposition

page 101

6 (Document 109: Lesson plan)  
7 Q I want to hand you a document that, for  
8 purposes of identification, I have marked as  
9 Document 109, and I'm going to give Ms. Burton two  
10 copies and ask if she would keep one and hand one  
11 to you. And I'd ask you to look at it and tell me  
12 whether that's a complete copy of the lesson plan  
13 of the Department of Police for the City of  
14 Richmond dealing with frangible slugs and in use  
15 when the raid took place on December 29, 1998 that  
16 we've been talking about here today.  
17 A Yes, sir, that looks to be a complete  
18 packet, as I recall, from that training and one  
19 that's been used, yes, sir.  
20 Q Would you turn to page 360. Do you see  
21 the numbers in the upper right corner?  
22 A Yes, sir. Okay.  
23 Q And does page 360 set forth the aiming  
24 instructions of the lesson plan of the Department  
25 of Police that applied to the door at 1112 C Dove  
page 102  
1 Street on December 29, 1998?  
2 A Yes, sir.  
3 Q I'm going to hand you an enlargement of  
4 that same page and ask you if you would tell me  
5 whether this enlargement is also a copy of that  
6 same page, and if so, would you put it on the

Issues Report [Green v. Buckovitch]

• designation of deposition

7 easle?  
8 A Yes, sir.  
9 Q Would you put that on the easle, please,  
10 so the camera can focus on it? Now, there are two  
11 sets of aiming instructions on page 360; is that  
12 correct?  
13 A Correct, sir.  
14 Q But they are essentially identical aiming  
15 instructions; is that correct, also?  
16 A Yes, sir, they are.  
17 Q Now, which of those two aiming  
18 instructions, though, applies to the door at 1112 C  
19 Dove Street, the top set or the bottom set?  
20 A The top set was used, it's a 45 degree  
21 angle at the latch bolt between the lock and frame,  
22 that dead area there where the door is and the lock  
23 and frame.  
24 Q For a wood door and wood frame?  
25 A Yes, sir.  
page 103  
1 Q But if the evidence turned out to show  
2 that the frame was in fact a metal frame, the  
3 aiming instructions would be exactly the same; is  
4 that right?  
5 A Yes, sir, you're still aiming for the  
6 space between the frame and the dead bolt is at,  
7 that dead space there.  
8 Q And your attack on the kitchen door that  
9 night was on the lock side; is that correct?  
10 A Yes, sir.  
11 Q And would you please read into the record  
12 what the aiming instructions were for a wood door,  
13 wood frame lock side attack?  
14 A "Aim shotgun at a 45 degree angle at the

[103:19] - [104:12]

10/14/1999 Sgt. Ingram

• designation of deposition

page 103  
18 left out a word.  
19 A "Aim shotgun at a 45 degree down angle at  
20 the latch bolt between the lock and the frame."  
21 Q Now, when you fired the five frangible  
22 slugs into the kitchen door at 1112 C Dove Street,  
23 what did you think was the reason behind the  
24 instruction to "Aim shotgun at a 45 degree down  
25 angle?" What did you think was the reason for that  
page 104  
1 instruction?  
2 A The reason for that is to attempt to get a  
3 down angle is to push any debris from the lock as  
4 it comes loose, any debris, and make it fall down  
5 at an angle instead of going up or straight across.  
6 Try to get it to go down at some kind of an angle.  
7 Q And why was that a consideration?  
8 A A safety consideration, to keep someone  
9 from possibly being hit by a piece of flying  
10 debris.  
11 Q Someone on the inside?  
12 A Yes, sir.  
13 Q And what about the portion of the

[104:22] - [105:9]

10/14/1999 Sgt. Ingram

• designation of deposition

page 104  
21 Q All right, let's use that language because  
22 that is precisely what the instruction says. When

Issues Report [Green v. Buckovitch]

• designation of deposition

23 you fired the five frangible slugs into the kitchen  
24 door at 1112 C Dove Street, what did you think was  
25 the reason behind the instruction to aim shotgun at  
page 105

1 the latch bolt between the lock and the frame?

2 A That's what's holding the door shut. The  
3 throw or the latch bolt is what's keeping the door  
4 shut and that's what you're trying to take out.

5 Q And so because that's what you're trying  
6 to take out, that would be the reason that the  
7 shooter, in this case, you, should aim at the latch  
8 bolt between the lock and the frame, correct?

9 A Correct.

10 Q Before you fired five frangible slugs into

[112:20] - [113:5]

10/14/1999 Sgt. Ingram

• designation of deposition

page 112

19 the years, I couldn't recall. Quite a bit.

20 Q Before December 29, 1998, what is your  
21 best estimate as to the number of times that you  
22 had actually fired a frangible slug?

23 A Times would probably -- the amount of  
24 rounds, I couldn't guess, but I've probably trained  
25 with frangible rounds 10, 15 times over the years,

page 113

1 over the period of years that we've been using that  
2 particular round.

3 Q And each time fired at least one frangible  
4 round?

5 A At least one, yes, sir.

6 Q So what is your best estimate as to the

[129:16] - [129:21]

10/14/1999 Sgt. Ingram

• designation of deposition

page 129

15 structures, yes, sir, more than a dozen occasions.

16 Q Would you agree that on more than a dozen  
17 occasions before December 29, 1998 you have used  
18 the rehearsal technique to teach others how to use  
19 breaching techniques that included the use of  
20 frangible slugs?

21 A Yes, sir.

22 Q And when you conducted these rehearsals to

[131:5] - [131:21]

10/14/1999 Sgt. Ingram

• designation of deposition

page 131

4 mission.

5 Q And also as part of your standard teaching  
6 technique when you are instructing fellow SWAT team  
7 officers through the rehearsal mode as to how to  
8 breach buildings, you also emphasize with the  
9 fellow SWAT team members that it is important to  
10 aim the shotgun at a downward angle of 45 degrees  
11 and to aim at the latch bolt between the lock and  
12 the doorframe, correct?

13 A That's what we teach. Optimally, of  
14 course, you would want the 45 degree angle, and  
15 that's a teaching angle. We want a downward angle  
16 is what we teach is to try to obtain a downward  
17 angle on the lock.

18 Q And in fact in your teaching you certainly  
19 adhere to what the lesson plan says about the 45

Issues Report [Green v. Buckovitch]

• designation of deposition

20 degree downward angle; isn't that correct?  
21 A Correct.  
22 Q Have you taught, through the rehearsal

[134:4] - [134:5]

10/14/1999 Sgt. Ingram

• designation of deposition

page 134

3 to your next tool and then you go with that.  
4 Q How tall are you, sir?  
5 A I'm a little over five foot ten.  
6 Q After December 29, 1998 have any changes

[141:6] - [141:20]

10/14/1999 Sgt. Ingram

• designation of deposition

page 141

5 (Document 82: Code of Ethics)  
6 Q I want to hand you and Ms. Burton, also, a  
7 copy of a paper that, for purposes of  
8 identification, I've marked as Document No. 82. Is  
9 that your signature at the bottom of that document?  
10 A Yes, sir, it is.  
11 Q And I hand you an enlargement of a  
12 document and ask you if this appears to be an  
13 enlargement of the same Document 82 that you have  
14 in front of you. Would you take a look at this,  
15 please?  
16 A Yes, sir, it is.  
17 Q And would you put that up on the easle,  
18 please, and I'd like the video technician to focus  
19 on that enlargement briefly while you look at the  
20 smaller version of the same document, Document 82.  
21 Would you please read the, out loud, the first

[144:5] - [144:19]

10/14/1999 Sgt. Ingram

• designation of deposition

page 144

4 not answer the question.  
5 Q Do you agree or disagree with the  
6 contention that Ms. Green died as a direct and  
7 proximate result of one or more of five blasts from  
8 a shotgun that you fired?  
9 A I have been told that.  
10 MS. BURTON: The question is do you agree  
11 or disagree. If you have a basis for  
12 agreeing, then state your basis.  
13 A I agree because I have been told that one  
14 of the rounds I fired did in fact strike her. The  
15 forensic people have told me and the detectives  
16 involved in the case have told me.  
17 Q And you certainly have no evidence to the  
18 contrary, do you?  
19 A No, sir.  
20 Q And isn't it true that when you fired

[145:13] - [145:23]

10/14/1999 Sgt. Ingram

• designation of deposition

page 145

12 A Yes, sir.  
13 Q To the best of your information, knowledge  
14 and belief, did Ms. Green say anything to provoke  
15 the actions that resulted in her death?  
16 A No, sir.

Issues Report [Green v. Buckovitch]

• designation of deposition

17 Q And to the best of your information,  
18 knowledge and belief, did Ms. Green's actions  
19 provoke her death in any way?  
20 A I don't know, sir.  
21 Q Do you know of any actions that Ms. Green  
22 took that provoked her death?  
23 A No, sir.  
24 Q To the best of your information, knowledge

[146:17] - [146:20]

10/14/1999 Sgt. Ingram

• designation of deposition

page 146

16 A No, sir.  
17 Q To the best of your information, knowledge  
18 and belief, did Ms. Green die as a result of being  
19 struck by zinc from a breaching round fired by you?  
20 A Yes, sir.  
21 Q To the best of your information, knowledge

[147:23] - [148:17]

10/14/1999 Sgt. Ingram

• designation of deposition

page 147

22 (Document 40: Handwritten document)  
23 Q I'm handing Ms. Burton two copies of a  
24 document that, for purposes of identification, I  
25 have marked as Document No. 40. It is a two page  
page 148

1 document numbered in the upper right-hand corner  
2 138 and 139. Is that a copy of a statement that  
3 you wrote?

4 A Yes, sir.

5 Q And did you write that on December 30,  
6 1998?

7 A Yes, sir.

8 Q And did you write that statement in the  
9 ordinary course of your job duties as an employee  
10 of the Department of Police for the City of  
11 Richmond?

12 A Yes, sir.

13 Q And you wrote that statement for the  
14 purpose of setting forth as accurately as you could  
15 the facts that took place on December 29, 1998 at  
16 1112 C Dove Street; is that correct?

17 A My actions at that location, yes, sir.

18 Q Other than the statement of which Document

[149:4] - [149:9]

10/14/1999 Sgt. Ingram

• designation of deposition

page 149

3 wrote at the time.

4 Q And who asked you to write it?

5 A Everybody involved on the mission was  
6 asked to write statements, or key people on the  
7 mission. I was ordered to by Lieutenant Buckovich,  
8 along with several other people, to write  
9 statements.

10 Q What clubs or organizations do you belong

[152:17] - [153:18]

10/14/1999 Sgt. Ingram

• designation of deposition

page 152

16 have read something? Possibly.

Issues Report [Green v. Buckovitch]

• designation of deposition

17 Q Did you use your night scope in any way  
18 that night?  
19 A Didn't have a night scope with me. I had  
20 a light kit for the shotgun, but I didn't have a  
21 night scope.  
22 Q What is the light kit?  
23 A The light kit is a flashlight system  
24 mounted underneath the shotgun. It's built as part  
25 of the shotgun.  
page 153  
1 Q And what is the function of the light kit?  
2 A To light -- it's so you can light up a  
3 designated area that you might be pointing the  
4 shotgun at.  
5 Q And did you use the light kit that night?  
6 A Yes, sir, I did.  
7 Q And how big a circumference was the area  
8 that you illuminated on the door in doing so?  
9 A Enough to, when you were three or four  
10 inches away from the door, enough so that you're  
11 illuminating pretty much the door knob and the lock  
12 and that area that I was aiming at.  
13 Q Would the area have been approximately the  
14 size of a grapefruit that you illuminated?  
15 A Yes, something like that, maybe a little  
16 bit bigger, but the real bright area, probably that  
17 close, something like that, where it illuminated  
18 really well the area that I was going to shoot at.  
19 Q If you had used only a battering ram, do



VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,  
JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

Case No. LL-2806-4

ORDER

The Court hereby grants leave to the plaintiff to edit the deposition of Sgt. Ingram given 1/25/02, to include only those portions itemized in the attached excerpts, dated 8/11/03 in the bottom left corner.

In addition, this Court rules that the plaintiff, as part of her case in chief, may present these excerpts to the jury, without any additions or deletions.

Enter: \_\_\_\_\_  
Judge

Date: \_\_\_\_\_

**CUTHBERT  
LAW OFFICES**

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658



131

I ASK FOR THIS:

---

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
Counsel for the plaintiff

SEEN AND AGREED:

---

Beverly A. Burton, Esquire  
Vicki W. Harris, Esquire  
Counsel for defendants  
L:12.08

**CUTHBERT  
LAW OFFICES**

PROFESSIONAL CORPORATION

20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658

Issues Report [Green v. Buckovitch]

• designation of deposition

[4:2] - [4:15]

1/25/2002 George Ingram

• designation of deposition

page 4

1  
2  
3           GEORGE INGRAM, a Witness, called by the  
4 Defendant, first being duly sworn, testified as  
5 follows:  
6  
7           EXAMINATION  
8 BY MR. BAYLISS:  
9           Q     Please state your name, sir.  
10          A     George James Ingram.  
11          Q     And your current occupation?  
12          A     Sergeant, Richmond Police Department.  
13          Q     How long have you been with the police  
14 department?  
15          A     Twenty-four plus years.  
16          Q     Let me first -- I know you are on a tight

[30:1] - [30:13]

1/25/2002 George Ingram

• designation of deposition

page 29

25 we'll revert to another --

page 30

1           Q     All right. In this particular situation,  
2 you knew there was a dead bolt there, correct,  
3 because it showed on both sides?  
4           A     We could see the dead bolt from the  
5 outside.  
6           Q     And you knew that the handle turned,  
7 right?  
8           A     Right.  
9           Q     And based on your investigation prior to  
10 firing your first round, is it fair to say you  
11 weren't aware of any other locking mechanism on that  
12 door?  
13          A     Correct.  
14          Q     And based upon what you've seen

[31:14] - [32:5]

1/25/2002 George Ingram

• designation of deposition

page 31

13           My question to you, sir, is: You were  
14 there; was there any physical impediment prior to  
15 your firing that first round that prevented you from  
16 firing it at a 45 -- by "physical," I mean was there  
17 anything in this structure that prevented you from  
18 firing it at a 45 degree angle?  
19          A     I'm still not sure what you're -- a  
20 physical impediment? A step? A door?  
21          Q     A step, a door, something over top of  
22 you, something beside you, or whatever, that  
23 prevented you from firing it at a 45 degree angle.  
24          A     To approximate getting the 45 degree  
25 angle, no. The only thing we had was there was a  
page 32

1 little bit of a lip, a four or five inch -- maybe  
2 less -- little lip that the door was elevated on.  
3 But there was nothing like a step or a door or  
4 anything that was in the way to try to get a good  
5 downward angle.  
6          Q     In fact, when you fired that first shot

Issues Report [Green v. Buckovitch]

• designation of deposition

[33:1] - [33:11]

1/25/2002 George Ingram

• designation of deposition

page 32

25 A Yes.

page 33

1 Q You are fully aware that this round has  
2 sufficient velocity and sufficient mass to cause the  
3 locking mechanism to be blasted out of the door and  
4 actually become a projectile?

5 A It can, yes, sir.

6 Q That's why you have the 45 degree down  
7 angle, in order to prevent somebody on the other  
8 side of the door from being hit by that projectile?

9 A You try to get the downward angle, yes,  
10 sir, to put the debris down on the floor or at a  
11 downward angle.

12 Q All right. Now, based upon Officer

[41:8] - [42:10]

1/25/2002 George Ingram

• designation of deposition

page 41

7 Bill?

8 MR. BAYLISS: I'm going to 324 because he  
9 wanted to see the outside.

10 MR. CUTHBERT: Okay.

11 BY MR. BAYLISS:

12 Q Does that fairly depict the outside,  
13 which would be what you saw?

14 A Yes, sir.

15 Q So, as you shot each round you would  
16 pause, do your toe kick, and visualize the hole in  
17 the door and then you'd shoot the next round, right?

18 A Correct.

19 Q So the hole got bigger and bigger as you  
20 continued to shoot your rounds. So you would pause  
21 and the hole would get bigger the next time, right?

22 A Some of this -- and there is going to be  
23 some debris missing out of this. When we used the  
24 ram it threw everything out. So it would have been  
25 a little bit more debris within that hole.

page 42

1 Q Was it your goal when you shot the second  
2 round to, again, walk it down and a hole would have  
3 been created at the top here, that you would aim  
4 right at that top level of the hole --

5 A You are walking it down.

6 Q Walking it down.

7 A Correct.

8 Q So your target, again, would be the top  
9 level of the hole as you walked it down?

10 A Correct.

11 Q Would it be fair to say that -- and,

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION

*Specializing in Accidents & Injuries  
and Social Security Disability*

220 NORTH SYCAMORE STREET, PETERSBURG, VIRGINIA 23803-3228  
700 EAST MAIN STREET, SUITE 1601, RICHMOND, VIRGINIA 23219

RESPOND TO:  
☒ PETERSBURG OFFICE  
☐ RICHMOND OFFICE

CHARLES H. CUTHBERT, JR.\*  
MARGARET CUTHBERT BROADDUS

\* ALSO ADMITTED TO  
NORTH CAROLINA BAR

PETERSBURG  
(804) 733-3100

RICHMOND  
(804) 643-3100

FACSIMILE  
(804) 732-4658

September 29, 2003

The Honorable Bevill M. Dean  
Richmond Circuit Court  
John Marshall Courts Building, 1st Floor  
400 N. Ninth Street  
Richmond, VA 23219

BY HAND

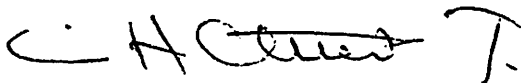
Re: Katina Green, Administrator  
of the Estate of Christie D. Green  
v. Defense Technology, etc., et al.  
Court file # LL 2806-4  
Our file # 3173

Dear Mr. Dean:

I enclose the original of a notice of hearing and motions scheduled to be heard on September 30, 2003, beginning at 9:00 a.m.

Please file the enclosed with the other papers in this matter.

Very truly yours,



Charles H. Cuthbert, Jr.

CHC:pdb

Enclosures

cc: Ms. Katina Green  
The Honorable Randall G. Johnson (By Hand)  
Beverly A. Burton, Esquire (By Fax)

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,  
JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

Case No. LL-2806-4

NOTICE

PLEASE TAKE NOTICE that on Tuesday, September 30, 2003, at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned, by counsel, will bring the following motions on for hearing.

MOTION #1

The plaintiff, by counsel, hereby moves this Court *in limine* to exclude evidence and argument as to the following:

1. That the plaintiff sued the manufacturer of the #22 TKO.
2. Allegations that the plaintiff made against the manufacturer in her motion for judgment.
3. Contributory negligence or assumption of risk by Ms. Green.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3225  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4655

### MOTION #2

The plaintiff, by counsel, asks leave of court to show the jury Plaintiff's Exhibits 19 and 20, copies attached. The purpose for showing the photographs is to find out whether any of the jurors recognize Christie Green or either daughter. Otherwise, the panel will have no idea what Christie Green or her two daughters look like. The plaintiff has decided not to ask the two daughters to come to the trial -- they are too young (eight years old and six).

### MOTION #3

The plaintiff, by counsel, hereby moves this Court to reconsider and refine its decision allowing the defense to present evidence, without restriction, as to drugs and guns that the police found inside the apartment. She also asks the Court to rule *in limine* as to what evidence the defense may present as to homicide suspects inside the apartment.

The following is an outline of the pertinent issues and of the plaintiff's arguments.

- A. Drugs found inside the apartment after Sgt. Ingram killed Ms. Green
1. This issue is different from the issue involving guns: in no way does the presence of drugs justify a claim of self defense.
  2. Relevant to prove what?
  3. Without waiving her objections to relevance and undue prejudice, the plaintiff will stipulate any facts re drugs that the Court deems relevant.
  4. No mention of where located. Location is not relevant for any legitimate purpose. For example, the Court should prohibit the defendants from mentioning that the drugs were allegedly "in plain view on the dining room table." Assumption of risk is not an issue. *Greater Richmond Transit Co. v. Wilkerson*, 242 Va. 65, 71, 406 S.E.2d 28, 32 (1999).
  5. The Court should prohibit the defendants from putting into evidence any photographs of drugs.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3228  
(504) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(504) 643-3100  
•  
FACSIMILE  
(504) 732-4658

6. Limiting instruction. The plaintiff stipulates that \_\_\_\_\_. You shall consider this stipulation solely for the purpose of determining \_\_\_\_\_, and for no other purpose.

B. Guns and related paraphernalia found inside the apartment after Sgt. Ingram killed Ms. Green.

1. Relevant to prove what? Without waiving her objections, the plaintiff will stipulate any facts re guns that the Court deems relevant.
2. Our facts are distinct from those in the recent *Melvin* case, where self-defense allegedly justified the fatal shot. This is because Sgt. Ingram has testified as follows:

10 Q When you fired the five loads at the  
11 kitchen door in connection with this raid, was your  
12 goal simply to get the door open?  
13 A That was my goal, I'm a breacher and  
14 that's what I'm there to do is to breach the door.  
15 Q You weren't trying to hit anybody on the  
16 other side, were you?  
17 A No, sir.  
18 Q You weren't trying to defend yourself or  
19 others from shots you heard inside when you fired  
20 at that door?  
21 A No, sir.  
22 Q When you fired any of those five loads at  
23 the kitchen door, were you aware that there were  
24 people in the room on the other side of the door?  
25 A No, sir.

Deposition of Sgt. Ingram on 10/14/99 at 75:10 - 75:25, being part of the deposition testimony that the plaintiff will offer as part of her case in chief pursuant to Court order.

2. No mention of where located.
3. No mention of a pistol silencer.
4. No mention of an assault rifle.
5. No mention of the quantity of ammunition, various ammunition clips, and any other gun paraphernalia.
6. The Court should prohibit the defendants from putting into evidence any guns, gun related paraphernalia, and photographs of those items.
7. Limiting instruction: The plaintiff has stipulated that \_\_\_\_\_. You shall consider this stipulation solely for the purpose of determining \_\_\_\_\_, and for no other purpose.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3225  
(504) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(504) 643-3100  
FACSIMILE  
(504) 732-4655



- C. Homicide suspects who did not rent the apartment but who were present when Christie Green arrived at the apartment
1. Relevant to prove what?
  2. Without waiving her objections, the plaintiff will stipulate any facts re homicide suspects that the Court deems relevant.
  3. Limiting instruction: The plaintiff has stipulated that \_\_\_\_\_. You shall consider this stipulation solely for the purpose of determining \_\_\_\_\_, and for no other purpose.

MOTION #4

The plaintiff, by counsel, moves this Court to rule on her objections to the videotaped *de bene esse* testimony of the defense expert witness Mr. Larry Beadles.

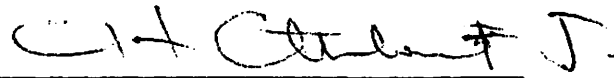
Plaintiff's counsel has been diligent in attempting to identify which excerpts are in dispute, as the following chronology indicates:

September 8, 2003	The defendants take the <i>de bene esse</i> deposition of Mr. Beadles, but <u>DO NOT</u> order expedited copy
September 22, 2003 (last Tuesday)	Plaintiff's counsel receives the transcript
September 24, 2003 (after 5 PM, last Thursday)	Plaintiff's counsel faxes defense counsel his objections
September 25, 2003 (last Friday)	Counsel confer and resolve their differences over plaintiff's cross-exam
September 29, 2003 (Monday)	Counsel confer but are unable to resolve their differences over the defendants' direct exam

Attached is a copy of those portions of the transcript that the defendants have designated, with the plaintiff's objections noted in the margin. Also attached is a copy of the expert witness disclosure that the defendants filed concerning Mr. Beadles.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

KATINA GREEN, ADMINISTRATOR  
OF THE ESTATE OF CHRISTIE D. GREEN

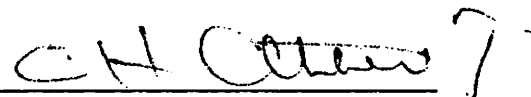
By   
Counsel

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broaddus  
Cuthbert Law Offices  
A Professional Corporation  
220 North Sycamore Street  
Petersburg, VA 23803-3228

CERTIFICATE OF SERVICE

On September 29, 2003, a copy of this document was faxed to:

Beverly A. Burton, Esquire  
Senior Assistant City Attorney  
Office of the City Attorney  
Fax #: (804) 646-7939

  
Charles H. Cuthbert, Jr.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658



Christie Green with her daughter Kevasha

728





PERIOD-Bygone, N. J.

**PLAINTIFF'S  
EXHIBIT**

20

Christie Green with her daughter Diqasha

Issues Report [Green v. Buckovitch]

• Beadles: Beverly's designation

[4:2] - [8:7]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 4

1  
2 LARRY L. BEADLES, called by the defendants, first  
3 being duly sworn, testified as follows:  
4  
5 EXAMINATION BY MS. BURTON:  
6  
7 Q Would you state your full name, please, sir?  
8 A It's Larry L. Beadles.  
9 Q And are you currently employed, Mr. Beadles?  
10 A Yes, ma'am.  
11 Q Where do you work, sir?  
12 A I work for the State Corporation Commission.  
13 Q And in what capacity?  
14 A I'm an agent investigator for the Bureau of  
15 Insurance.  
16 Q And how long have you been employed in that  
17 capacity?  
18 A Since July 1, approximately, a little over two  
19 months.  
20 Q July 1 of 2003?  
21 A 2003. Excuse me. I'm sorry.  
22 Q Where were you employed before then?  
23 A With the Richmond Police Department.  
24 Q And did you leave your employment with the Richmond  
25 Police Department voluntarily?

page 5

1 A Yes, ma'am. I retired on June 1.  
2 Q All right. Would you please describe -- well,  
3 first of all, tell us how long you were employed with the  
4 Richmond Police Department.  
5 A I was -- was employed on January the 3rd, 1978, and  
6 I served 25 years and 5 months before I retired.  
7 Q And can you tell me the different positions that  
8 you worked in with the Richmond Police Department for those  
9 25 years?  
10 A Yes, ma'am. As all new employees, I went to the  
11 Police Academy, then I became a patrolman. I stayed in  
12 patrol from 197 -- well, late '78 until early '80. At that  
13 time I went into the task force. And what that was was a  
14 group of officers that did mostly the high risk stakeouts,  
15 robbery stakeouts and rape and high risk crimes and we worked  
16 all -- almost all nights.  
17 And after that, I went to the detective division  
18 and became a property crimes investigator, mostly burglaries  
19 and that sort of thing. I served there until '85 when I  
20 became -- I was promoted to sergeant at that time and went to  
21 First Precinct as patrol sergeant and I worked the Church  
22 Hill area. I was responsible for the officers on Church  
23 Hill.

24 About '87, I was moved back to the detective  
25 division and became the Crime Stopper administrator and

page 6

1 administered the investigations involving Crime Stopper tips  
2 and did the TV, radio and all that sort of thing for the  
3 crime -- Richmond/Metro Crime Stoppers in this area. Then in  
4 '89, I was promoted to -- 1989, I was promoted to lieutenant.  
5 I was moved into the -- still in the detective division as a  
6 violent crimes lieutenant and I was in charge of homicide,  
7 robbery, rape, any of the department offenses, most  
8 department offenses in -- in violent crimes area and all the  
9 investigators. I had about -- about 60 investigators working  
10 for me at that time.  
11 Q Sixty or 16?

Issues Report [Green v. Buckovitch]

• Beadles: Beverly's designation

12 A Sixty.  
13 Q Sixty.  
14 A In between, it depends on what the strength was, in  
15 between about 50 or 60 investigators.  
16 Q Can I ask you to keep your voice up, please?  
17 A I'm somewhat hoarse, excuse me. In 1991 -- I  
18 served there until '91. In 1991, I was moved to the training  
19 academy to be the training director and I -- I was  
20 responsible for all the basic recruit training, overseeing  
21 that, all the basic recruit classes as well as all the  
22 veteran officer in-service and professional training,  
23 educational training and -- and the whole gamut of -- of the  
24 training for the police department, educational and  
25 professional. In -- I'm trying to think of the year.

page 7

1 Also during that period, I was -- right at the end  
2 of my time in the training academy, around '93, I believe, or  
3 early '94, I was sent by Colonel Tapscott into the field for  
4 about nine or ten months and I took over an experimental  
5 street drug unit known as the Uniform Drug Unit. And we did  
6 street level narcotics work city wide. As opposed to having --  
7 each precinct having a drug unit, he put them all together as  
8 an experiment to compare them and see how they would work and  
9 I was put in charge of that.

10 I then returned to the academy. And then in -- in  
11 late '95, I went to narcotics as a narcotics lieutenant. And  
12 in '96 I was promoted to captain and I took over the entire  
13 organized crime division which included the narcotics unit,  
14 the vice unit and assets forfeiture unit. And I stayed  
15 there, I believe, until about 90 -- early '97.

16 And at that time, I went to the command of the  
17 Third Police Precinct. I was command -- I was basically in  
18 charge of basic police services in the west end and north  
19 side of the city and I had about 120 officers working for me  
20 at that time. I stayed there until September of '99 and I  
21 was moved -- actually on loan inside the police department to  
22 take over as the director of the communications, Bureau of  
23 Communications. And I stayed there until -- until January of  
24 this year when I was moved to Second Police Precinct. I  
25 stayed there as the captain and commander of that precinct

page 8

1 until I retired on June 1 of 2003.

2 Q Now, during the course of your career with the  
3 police department, were you on what's commonly been referred  
4 to as the SWAT team?

5 A Yes, ma'am.

6 Q Can you tell us what SWAT means, first of all?

7 A Well, it stands for special weapons and tactics.

8 Q All right. Now, can you describe for the jury how

[8:22] - [13:1]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 8

21 certainly that's an expert opinion.

22 Q The question was to describe your experience on the  
23 SWAT team in so many words. Go ahead.

24 A Okay. I went to the SWAT team in late 1980 and I  
25 served until 1996, early '96. As any new member, I went on

page 9

1 basically as a member of the team and did basic entry work  
2 and that sort of stuff, surveillance work for the SWAT team.  
3 And I got promoted to sergeant and I became the training  
4 officer for the SWAT team at that time. And later, as -- as  
5 I was promoted to lieutenant, I became the second in command,  
6 the executive officer. And at that time Captain Bishop was  
7 the commander of the team and I was his second in command.

8 And during the course of -- of that time, like I

Issues Report [Green v. Buckovitch]

• Beadles: Beverly's designation

9 said, I served as the training officer. Also, I did a lot of  
10 the instruction and training for the SWAT team as well as  
11 other teams that we had requests from around the state. I  
12 went with other -- other members of the cadre of SWAT team  
13 members from Richmond and often Henrico and trained smaller  
14 teams around the state.

15 In the -- the last five, approximately five years  
16 of the -- of my time with the team, I was the commander of  
17 the SWAT team. And as the commander of the SWAT team, I was  
18 basically responsible for everything, all the final decisions  
19 on everything that we did. I was responsible to see the team  
20 was properly trained, properly equipped. I was responsible  
21 for procurement, technology advancement, R&D and that sort of  
22 stuff and oversight. Also, we had the bomb unit, which is  
23 the -- the explosives unit that would defuse bombs or destroy  
24 devices that were suspected to be bombs. As well as the SWAT  
25 medic unit, that was also under my command at that time.

page 10

1 Q Now, while you were on the SWAT team, did you have  
2 occasion to perform in the role of breacher?

3 A Yes, ma'am.

4 Q Can you tell the jury what the role of the breacher  
5 was -- is -- is generally on the SWAT team?

6 A If you are entering a -- a structure, a residence  
7 or an apartment or could be business, office building or  
8 anything or this room right here, someone has to -- to, you  
9 know, breach the door or open the door in some way to get in.  
10 And sometimes that's very simple by just turning the knob and  
11 coming in if it's a very low risk situation. A very high  
12 risk situation, you might use rams or in very high risk  
13 situations, explosives and sometimes using the -- the TKO-22  
14 breaching rounds, the 12 gauge round that was used to breach  
15 the doors and locks in very high risk circumstances. And --  
16 and most of the times that I was involved in that sort of  
17 thing, it was either in very low risk or in the TKO rounds.

18 Q All right. Before we talk in a little bit more  
19 detail about the TKO rounds, I would like to ask you if you  
20 have any teaching experience related to police work.

21 A Yes, ma'am. I -- I became a -- a -- a general  
22 instructor certified by the Department of Criminal Justice  
23 Services in '81, I believe, '80 or '81. I also gained --  
24 became an instructor in firearms certified by the Department  
25 of Criminal Justice Services and a defensive tactics

page 11

1 instructor for the Department of Criminal Justice Services.

2 I also was a board member of the Virginia Tactical  
3 Association. And one of the purposes that existed around the  
4 state was to provide training for many of the -- the smaller  
5 SWAT teams in the state that did not have the funding or  
6 other money to actually buy or bring in professional trainers  
7 to do training or had very limited experience and really  
8 didn't have anybody to come train them. So, we traveled  
9 around the state, when possible and our chiefs allowed us to  
10 do, and assisted in training other SWAT teams in entry  
11 tactics.

12 And we taught, often, command people. I've taught  
13 several command schools. And I also taught at Radford  
14 College at the -- at the chiefs and deputy chiefs in-service  
15 involving selection for high risk units such as vice,  
16 narcotics and SWAT. And I've taught numerous schools,  
17 beginning SWAT, advanced SWAT, hostage rescue, breaching  
18 tactics and -- as well as basic, basic SWAT instruction,  
19 basic SWAT team members, what they need to know.

20 Q All right. Now, let's turn our attention to the  
21 TKO round. First of all, are you familiar with the -- with  
22 whether or not the City of Richmond's SWAT team used the TK --  
23 the 20 -- 22 TKO round?

24 A Okay. It is the TKO-22 --

25 Q TKO-22, I'm sorry.

10:4 -  
10:17  
outside  
the scope  
of the  
expert  
designation

Issues Report [Green v. Buckovitch]

• Beadles: Beverly's designation

page 12

1 A -- breaching round. Yes, ma'am. Yes, ma'am, we do  
2 use it -- did use it.  
3 Q Okay. Now, can you -- when did the city's police  
4 department first begin using that round?  
5 A Close as I can remember, around '92ish, '92, '93.  
6 Q Can you tell the jury how it came to be that the  
7 City started using that round?  
8 A Well, it was a new product in the market and we had  
9 been familiar with it. I had been familiar with an older  
10 product. I never used it. I knew it was there because I was  
11 just a team member at the time, but there was a ceramic round  
12 that was used to -- in high risk circumstances to breach the  
13 locking mechanisms on doors. Although I never used it, I  
14 understood it was not used because it would -- the round did  
15 not disintegrate like it should have.  
16 When this round came on the market, it was -- it  
17 was looked as a real -- for us, it looked like it was a real  
18 good tool because it's a compressed zinc round. I mean, it's  
19 just zinc powder that's been compressed in a tremendous  
20 pressure. You know, it's in a 12 gauge shotgun shell and it  
21 delivers that -- that compressed zinc pellet into the door or  
22 doorknob or the door mechanism. And the good thing about it  
23 was was it went through the door in to destroy the throw in  
24 the door. It -- it only would -- would shove debris into the  
25 room. No round would go into the room, only zinc dust, gray

page 13

1 dust.

2 MR. CUTHBERT: I object to this testimony. I don't

[13:6] - [14:3]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 13

5 MR. CUTHBERT: And I move to strike it, please.  
6 Q Once Richmond began -- obtained the TKO-22 round  
7 for use, can you tell the jury what you did with it, how you  
8 decided -- what you did with it before it was put into use?  
9 A Yes, ma'am. As other products, we have -- when we  
10 start new products we used, we tested it. We went to the  
11 outdoor range in Caroline County. We used doors there in a  
12 building, a couple of different kinds of doors. The primary  
13 test we did, we shot the round through wooden doors at  
14 different angles. We put cardboard target backers, real  
15 thick cardboard target backers behind the door, a distance  
16 behind the door. And our -- our concern was, having some  
17 history with the other round, what would happen when the  
18 round passed through the door. And we wanted to check and  
19 make sure that no, you know, part of a projectile would go  
20 downrange into the structure. And -- and exactly, also, what  
21 angle we would have to shoot it at and that sort of stuff.  
22 So, we shot several rounds there and we videotaped it.  
23 Q Now, before you talk anymore about that, do you  
24 recall receiving any information about how to use this round  
25 from the manufacturer?

page 14

1 A We contacted the manufacturer and they had no  
2 information at the time, they offered no information or  
3 training.

4 Q All right. Do you recall -- do you know whether or

[15:1] - [16:8]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 14

25 answer.

page 15

1 Q What -- when you were doing this testing of this



Issues Report [Green v. Buckovitch]

• Beadles: Beverly's designation

2 round, what was your position in the SWAT team? Were you  
3 just on the team, so to speak, or were you the commander?  
4 A I was involved in the -- the -- I was involved in  
5 the training cadre with the team at that time.  
6 Q All right. And did you -- what was your role in  
7 actually defining the training for the team?  
8 A Well, we tested the round so that we could train  
9 the team members and we let the present -- the team members  
10 on the team at that time observe the testing for the round.  
11 Q All right. And can you describe what the testing  
12 consisted of?  
13 A We used -- like I said, there were doors in a -- in  
14 a farmhouse up there at the Caroline County range that we  
15 used and we put cardboard backers behind it in an effort to  
16 see what the zinc, compressed zinc round would do when it  
17 came -- when it went through the door. And that's how we  
18 tested the rounds.  
19 Q The -- can you describe the different types of  
20 doors, if there were different types, that you tested this  
21 round on?  
22 A Initially we tested it on wooden doors, interior  
23 wooden doors that were solid wood, wood paneling. And we  
24 also later tested it on an outside, heavy outside doors like  
25 to a concrete building with outside hasp locks and that --  
page 16  
1 those sort of mechanisms.  
2 Q Now, when you say you tested it on this -- these  
3 different types of doors, can you describe for the jury what  
4 you did to test it?  
5 A Yes. As -- as I described, we -- the initial  
6 testing, our greatest concern was to make sure the rounds  
7 did, in fact, do what the manufacturer said they would do and  
8 that's disintegrate when they went through the door.  
9 MR. CUTHBERT: I object to that testimony. I think

[16:19] - [18:2]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 16  
18 Q What -- what did you do, sir, to test these rounds?  
19 A Okay. We -- we had the wooden doors that I've  
20 already testified to in the farmhouse. We put cardboard  
21 target backers behind the doors and then we shot the round at  
22 different places and different angles in the door to see what  
23 would happen on the other side of the door, which would be  
24 the inside of this -- for example, the inside of this room or  
25 the inside of a home or inside of a -- any structure that we  
page 17  
1 might have to go into to see how the round reacted on the  
2 other side. As well as testing to see how the round  
3 destroyed the locking mechanism, which was the purpose of  
4 using the rounds in the first place.  
5 Q All right. Now, do you recall approximately how  
6 many times you fired this round into a door of one sort or  
7 the other in order to test it?  
8 A Probably about 30 rounds to test it with.  
9 Q All right. Now let's talk about your actual use of  
10 the rounds in a tactical situation. While you were on the  
11 SWAT team, did you have occasion to actually use the TKO-22  
12 round to breach doors?  
13 A Yes, ma'am.  
14 Q Will you describe for the jury, please, what your  
15 experience in actually breaching doors using this round was?  
16 I'm -- I'm sorry, in a tactical situation.  
17 A Experience as far as the breaching or the use of  
18 the round itself or both?  
19 Q Both.  
20 A Okay. As I've earlier testified -- testified to

Issues Report [Green v. Buckovitch]

• Beadles: Beverly's designation

21 earlier, if you're the breacher, you're -- you're -- you're  
22 the person that is going to try to -- to get the rest of the  
23 team members into the room safely. In those circumstances, I  
24 was using that in very high risk situations where there was a  
25 great threat of danger or -- or risk of violence. And we --  
page 18

1 I used them to breach the locking mechanisms on the doors so  
2 we could gain quick entry into the structure.  
3 Q All right. Now, let me ask you a question about

[18:20] - [19:23]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 18

19 the TKO round.

20 Q And do you recall approximately how many times you  
21 might have, on how many different occasions you might have  
22 used the TKO-22 round to accomplish a breaching?

23 A Approximately a dozen times, 12 times.

24 MS. BURTON: The defendants at this point offer  
25 Larry Beadles as an expert in the use of TKO-22

page 19

1 breaching round and also as an expert in the police SWAT  
2 team procedures.

3 Q I'd like to ask you a few questions about the  
4 incident that forms the basis for this lawsuit here today.  
5 First of all, are you familiar with the type of door that  
6 Sergeant Ingram breached in this case?

7 A Yes, ma'am.

8 Q Would you describe for the jury, please, just what  
9 type of door it was?

10 A It was an external door, wooden. It had a solid  
11 frame. It was solid wood.

12 Q And have you seen, touched either the actual door  
13 or a facsimile of that door prior to coming in court today?

14 A Yes.

15 Q Mr. Beadles, is there anything in particular that  
16 is unique about the breacher position on the SWAT team?

17 A It is extremely dangerous. It's a very high  
18 pressure position because you have very little protection.  
19 Somebody has to be first at the door and you begin the  
20 breaching process. Because you have to have contact with the  
21 door, you can't have anything in between you and the door;  
22 so, therefore, there is no -- no ability to have cover of any  
23 kind other than your vesting. So --

24 MR. CUTHBERT: I object to the question and I

19:15-  
19:23  
outside  
the scope  
of the  
expert  
disclosure

[20:20] - [23:21]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 20

19 A I think I did, yes.

20 Q Okay. Now, do you have an opinion regarding the  
21 proper technique for breaching the type of door that we --  
22 that Sergeant Ingram breached in this case using the TKO-22  
23 round?

24 A Yes.

25 Q And will you tell the jury what that opinion is?

page 21

1 A The proper technique is -- first of all, you have  
2 to consider two angles. The -- let's go back. First, the  
3 placement of the -- the round itself. The round should be  
4 fired in between the doorframe and the knob or the deadbolt,  
5 for example, whatever is holding the throw into the frame,  
6 the piece of metal that sticks in the frame that locks the  
7 door. So, what you are attacking is you are attacking that  
8 throw or that piece of metal that holds the door closed,  
9 whether it be the deadbolt or whether it be the -- the

• Beadles: Beverly's designation

10 doorknob below it, usually below it. And that is the area,  
11 that area in between the doorknob or the deadbolt or any  
12 other locking mechanism and the doorframe in which the throw  
13 actually sticks into the frame from the door that holds the  
14 door locked.

15 From that, there are two angles that are important.  
16 The first and -- and most important angle is the up and down  
17 angle. You want the -- the weapon to be up pointing down  
18 (indicating) at the door in that space so that any debris,  
19 because the round should disintegrate, any debris will fall  
20 close to the door after it goes through the door. So, any  
21 debris that's shoved through the door will actually fall  
22 close down to the floor or close to the door itself.

23 And the second angle is an angle that's toward the  
24 jamb, the doorjamb. So, you want to -- to -- and that  
25 particular angle is important because you want to pick up as  
page 22

1 much debris -- if you shoot straight into something, you have  
2 a very small hole. If you angle it, it creates a much larger  
3 hole. And that hole, it goes through the door, picks up more  
4 debris. Therefore, it picks up -- as it goes through the  
5 door, it picks up more debris and makes the round even more  
6 effective because it's -- it's pushing the debris as well as  
7 the round through the door -- excuse me -- round through the  
8 door and it will then push the throw out. And that angle has  
9 got to be enough to do that, but if it's too steep, it will  
10 actually shove the lock into the frame so it won't unlock the  
11 door.

12 So, you want to have it up and slightly tilted into  
13 the doorframe -- doorjamb, excuse me, and so the round will  
14 go down in the floor and you will be able to use as much  
15 debris from the door to attack the locking mechanism as  
16 possible.

17 Q Is there anything in particular that a breacher  
18 should or should not do -- well, let me back up for a second.  
19 Are there circumstances under which a breacher would need to  
20 use more than a single round to get inside?

21 A Yes, ma'am.

22 Q And under those circumstances, that is that a  
23 breacher would have to use more than one round to get inside,  
24 is there any particular methodology or -- that the breacher  
25 should observe or anything in particular that the breacher  
page 23

1 should do?

2 A One, you should always keep your rounds in between  
3 the jamb and the -- the doorknob to try to attack the throw  
4 if you're using multiple rounds. Also, you should try to  
5 attack the area -- if you -- if you attack the area there,  
6 sometimes you can even see where debris is left or the lock  
7 or debris and you try to -- to attack the same or close to  
8 that area and -- and I -- I usually try to go up and down  
9 slightly to keep attacking it and so you can kind of cut  
10 through. Because you're under a lot of pressure, so you're  
11 trying to spray hard and you're -- you're trying to attack  
12 that round and get it in between the two doors. You might  
13 use multiple rounds to attack it. You might not have  
14 dislodged that -- that throw in the door the first time, you  
15 might need a -- a second round or you might have two very  
16 difficult locks. You may have to attack one lock and then  
17 attack another lock.

18 So, it depends on the circumstances. So, yes,  
19 there are circumstances where you would use multiple rounds,  
20 could use multiple rounds. And I have -- at least on one  
21 occasion, I've used multiple rounds in -- in a breach.

22 Q Now, can you tell the jury what, generally, is

22:19 -  
23:21  
Outside  
the scope  
of the  
expert  
designation  
Not  
relevant --  
just a  
statement  
of  
general  
principles  
(are  
there  
circumstances)

Issues Report [Green v. Buckovitch]

• Beadles: Beverly's designation

[25:19] - [26:6]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 25

18 ask The Court to exclude that testimony.

19 Q What is the round supposed to do once it's fired  
20 into the target?

21 A As it leaves the barrel, of course, it's still a  
22 compressed zinc round. Then it would strike the door. It  
23 would proceed through the door, hopefully strike the throws  
24 or the metal mechanisms that are holding the door shut. As  
25 it begins to hit those objects, the zinc pellet then would

page 26

1 begin to disintegrate. So, you -- that -- the -- it's  
2 applied the force against the lock, the lock begins to move  
3 out of the door into the room or into the structure. As it  
4 moves through there, the zinc round then begins to turn to  
5 dust. It's done its job and the lock then comes out the  
6 other side of the door.

7 MR. CUTHBERT: I also would add an objection that

[26:20] - [27:5]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 26

19 objection, believe it or not.

20 Q Now, are there occasions on which a breacher may  
21 need to use a ram in addition to a -- the -- the TKO-22  
22 round?

23 A Yes, ma'am.

24 Q Under what circumstances would you expect that to  
25 happen, to occur?

page 27

1 A If you have a very tough deadbolt, you might use  
2 the -- the TKO-22 to breach the tougher lock and then use a  
3 ram to defeat the lesser lock, for example, just a doorknob  
4 that had no other -- just a small throw in the door -- in the  
5 jamb, excuse me.

6 Q Now, are you familiar with the weapon that Sergeant

26:20-  
27:5  
Outside  
the scope  
of the  
expert  
disclosure  
a statement  
of general  
principles  
that does  
not describe  
our facts

[28:7] - [28:12]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 28

6 distance is sufficient from the door.

7 Q Now, let me ask you this question: Have you seen,  
8 on occasion, breaching rounds being shot in a series within a  
9 short distance on a target?

10 A Yes, ma'am.

11 Q Will you tell the jury, explain to the jury what  
12 that is and why it happens sometimes?

13 MR. CUTHBERT: I object to the question. I'm going

28:7-  
28:12  
Same  
objection  
as above

[29:3] - [29:7]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 29

2 Q Now, can you explain why that happens?

3 A Well, one, the -- the first round may not have been  
4 effective in actually destroying the lock mechanism of the  
5 throw into the jamb, so a second round would be necessary to  
6 complete the breach of the door so that the entry team can  
7 get into the structure.

8 Q All right. Does using that -- I'm sorry. Does it

29:3-  
29:7  
Same  
objection  
as above

Issues Report [Green v. Buckovitch]

• Beadles: Beverly's designation

[29:22] - [29:24]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 29

21 destroyed and the team can go in.

22 Q All right. Now, does a breacher sometimes use a  
23 series of shots to affect the debris involved or that may be  
24 created as a result of firing a round?

25 MR. CUTHBERT: I object to the question on the

[31:1] - [33:5]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 30

25 Q All right.

page 31

1 A Yes.

2 Q Having said yes, can you describe for the jury how  
3 the round affects debris?

4 A Well, after you've fired the round, you might want  
5 to move the angle steeper or whatever to -- to pick up more  
6 debris to -- to shove the lock and other mechanism through  
7 the door. So, there is some - some room for adjustment in  
8 there. If you -- you fire and the throw is broken, but is  
9 not out, you might adjust the angle slightly or move up and  
10 down the door to get more debris into the door to push it  
11 out, especially if it's a strong lock or a strong throw in  
12 the door.

13 Q Let's go back and talk a little bit about the  
14 angles that you mentioned earlier and I'd like to direct your  
15 attention to the downward angle. Is there, for a breacher, a  
16 requirement to use a 45 degree angle?

17 A No, ma'am. Take -- no, I have never told a  
18 breacher or instructed a breacher to do that.

19 Q And why not?

20 A Well, one, every circumstance is slightly  
21 different. And, two, I'm not sure anybody going to a door is --  
22 can -- just be perfectly 45 degrees. The idea is to make  
23 sure -- and every door may not require that 45 degree or  
24 maybe more, the angle might be different. You're speaking of  
25 different circumstances on different locks. So, you don't

page 32

1 just want to tell somebody and do a rubber stamp and say this  
2 is the angle every time. The most important thing is to do  
3 is make sure the angle is high enough so that the debris  
4 moves down into the floor inside the structure, that the  
5 debris doesn't go straight into the structure.

6 Q And why do you want the -- the debris to -- to move  
7 down toward the floor?

8 A For safety, we -- we don't want anyone in the  
9 structure to be hurt by the debris.

10 Q Now, let's talk about the breacher and what the  
11 breacher does or should do after the breacher has fired a  
12 round or rounds.

13 A In the case of the breacher using a T -- TKO-22  
14 round, once they believe the door has been breached, they  
15 would move out of the way and the team then would go in.

16 Q All right. Now, before the team goes in, what  
17 obligation, if any, does the breacher have to test the door?

18 A After the rounds are fired and the door is  
19 breached, their job is over.

20 Q Now, can you tell the jury whether or not it's  
21 advisable for a breacher to turn a doorknob that he's  
22 attempting, he or she, is attempting to breach in the middle  
23 of a breach?

24 A I think that that is -- you would have to know the  
25 circumstances of the breach. In general, if it's a very high  
page 33

29:22 -  
31:12

① leading  
② outside  
the scope  
of the  
expert  
disclosure

32:10 -  
33:5

outside  
the scope  
of the  
expert  
disclosure

↓  
next  
page

Issues Report [Green v. Buckovitch]

• Beadles: Beverly's designation

1 risk breach, I would not be trying doorknobs, particularly.  
2 I would try to get up there fast and see if there was any  
3 noise going to the door or anything and try to breach the  
4 door and go in. I would not put myself in front of the door  
5 any longer than I had to.  
6 Q Well, explain to the jury, sir, then, how it is

part  
of  
above

[33:14] - [33:22]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 33

13 MS. BURTON: The question is simple.  
14 Q Explain to the jury how a breacher knows how to  
15 open the door or whether the door will open without turning  
16 the doorknob.  
17 A I guess they wouldn't in certain circumstances.  
18 You might want to turn the doorknob, especially if it's a low  
19 risk situation. In other circumstances, you might not want  
20 to put your hands anywhere near the doorknob; you might want  
21 to go in and breach, whether it be with a TKO-22 or with a ram  
22 or anything, go on and move in and breach the door.  
23 Q So, is it fair to say that whether or not to turn

33:14-  
33:22  
① outside  
the scope  
of the  
expert  
disclosure  
② statement  
of  
general  
principles

[34:13] - [34:25]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 34

12 MS. BURTON: Oh.  
13 Q Do you have an opinion as to whether it was  
14 appropriate to use the TKO-22 breaching round on this  
15 particular entry that Sergeant Ingram did?  
16 A Yes.  
17 Q And what is your opinion, sir?  
18 A It was appropriate.  
19 Q And can you tell the jury the reason that you are  
20 of the opinion that it was appropriate for Sergeant Ingram to  
21 use the TKO-22 round?  
22 A Yes. As a commander of the precinct, I had  
23 knowledge of the circumstances involved in that particular  
24 raid and my street enforcement sergeant had notified  
25 Lieutenant Bennett and I of the circumstances --

34:13-  
34:25  
① outside  
the scope  
of the  
expert  
disclosure  
② unduly  
inflammatory  
and  
diversionary

page 35

1 MR. CUTHBERT: Wait a minute, that's hearsay and I

[35:4] - [35:10]

9/8/2003 Larry Beadles

• Beadles: Beverly's designation

page 35

3 Q You can go ahead and answer subject to that.  
4 A I was familiar with the suspect that was identified  
5 in the search warrant at the time.  
6 Q All right. Well, let's go back. And the reason  
7 you were familiar with the suspect was because?  
8 A Was because we had had a number of shootings and  
9 violence in the -- in the Highland Park area in which the  
10 suspect's name had -- had been involved.  
11 Q All right. And the area --

[A continuation  
of the above  
35:4 - answer]  
35:10  
① outside  
the scope  
of the  
expert  
disclosure  
② unduly  
inflammatory  
and  
diversionary

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION

*Specializing in Accidents & Injuries  
and Social Security Disability*

220 NORTH SYCAMORE STREET, PETERSBURG, VIRGINIA 23803-3228  
700 EAST MAIN STREET, SUITE 1601, RICHMOND, VIRGINIA 23219

RESPOND TO:  
☒ PETERSBURG OFFICE  
☐ RICHMOND OFFICE

CHARLES H. CUTHBERT, JR.\*  
MARGARET CUTHBERT BROADDUS

\* ALSO ADMITTED TO  
NORTH CAROLINA BAR

PETERSBURG  
(804) 733-3100

RICHMOND  
(804) 643-3100

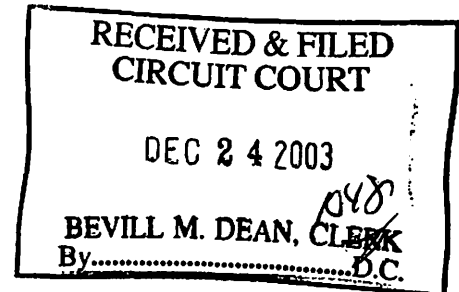
FACSIMILE  
(804) 732-4658

December 24, 2003

The Honorable Bevill M. Dean  
Richmond Circuit Court  
John Marshall Courts Building, 1st Floor  
400 N. Ninth Street  
Richmond, VA 23219

BY HAND

Re: Katina Green, Administrator  
of the Estate of Christie D. Green  
v. Defense Technology, etc., et al.  
Court file # LL 2806-4  
Our file # 3173



Dear Mr. Dean:

I enclose the original of a notice of motions to be heard on January 8, 2004, beginning at 9:30 a.m.

Please file the enclosed with the other papers in this matter.

Very truly yours,

*CHC*

Charles H. Cuthbert, Jr.

CHC:pdb

Enclosures

cc: The Honorable Randall G. Johnson  
Ms. Katina Green  
Beverly A. Burton, Esquire (by fax and by mail)

321

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

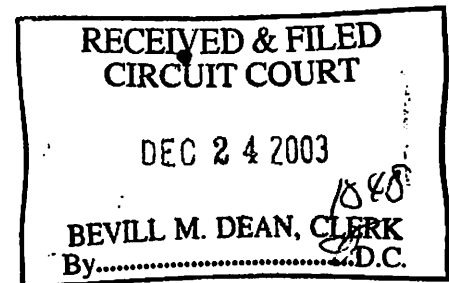
Plaintiff,

v.

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,  
JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

Case No. LL-2806-4



NOTICE

PLEASE TAKE NOTICE that on January 8, 2004, at 9:30 a.m., or as soon thereafter as counsel may be heard, the plaintiff, by counsel, will ask the Court to rule as to the following motions:

MOTION #1

The plaintiff, by counsel, hereby moves this Court to enter orders, copies attached, memorializing the decisions reached at the hearings held September 25, 2003 and September 30, 2003.

As to the order concerning the hearing held September 25, 2003, plaintiff's counsel believes that defense counsel agrees to the terms of this sketch, although defense counsel has not yet submitted the signed sketch to the Court for entry.

**CUTHBERT  
LAW OFFICES**  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4653

322



As to the order concerning the hearing held September 30, 2003, defense counsel has not yet commented on the terms of this sketch, even though plaintiff's counsel sent it to her by letter dated October 7, 2003.

MOTION #2

The plaintiff, by counsel, hereby moves this Court to exclude various proposed defense exhibits, including: Photograph #s 110, 180, 197, 229, 246, 257, and 275, copies attached.

The following is the basis for this motion.

A. Photograph #s 110, 180, and 197

1. Introduction.

These three photographs depict the table on which the Richmond police allegedly found illegal drugs after Sgt. Ingram killed Christie Green. Photograph #180 is a close-up of a packet that allegedly contains illegal drugs.

Katina Green stipulates that, when Sgt. Ingram shot Christie Green, he and Officer Buckovich had a good faith belief that there were illegal drugs, guns, and homicide suspects in the apartment where Christie Green was visiting.

Katina Green concedes that, at the hearing held September 25, 2003, and again at the hearing held September 30, 2003, this Court denied her motion to exclude evidence that the police found illegal drugs inside the apartment after Sgt. Ingram shot Christie Green. Even so, she respectfully brings the following argument and authorities to the attention of the Court, and asks the Court to exclude these photographs as well as all other evidence of drugs found after Sgt. Ingram killed Christie Green, in order to avoid reversible error. In the alternative, she asks the Court to conclude that the prejudicial effect of these three photographs outweighs any probative value they

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

2  
J23

may have, and that consequently on this basis the Court should sustain her objection to these proposed exhibits.

2. What is relevant evidence?

Evidence is relevant if it has any logical tendency, however slight, to prove a fact at issue in the case. *Seilheimer v. Melville*, 224 Va. 323, 327, 295 S.E.2d 896, 898 (1982) ("Every fact, however remote or insignificant, that tends to establish the probability or improbability of a fact in issue, is admissible.") *Accord Spurlin v. Richardson*, 203 Va. 984, 990, 128 S.E.2d 273, 278 (1972) ("Evidence of collateral facts, from which no fair inferences can be drawn tending to throw light upon the particular fact under investigation, is properly excluded for the reason such evidence tends to draw the minds of the jury away from the point in issue, to excite prejudice, and mislead them.")

3. Evidence of drugs is irrelevant.

Katina Green challenges Officers Buckovich and Ingram to articulate even one reason why evidence is relevant that illegal drugs (or guns, or homicide suspects) were found in the apartment after Sgt. Ingram shot her sister. In considering this challenge, please bear in mind Katina Green's stipulation that, when Sgt. Ingram fired the fatal shot, he and Officer Buckovich had a good faith belief that there were illegal drugs, guns, and homicide suspects in the apartment.

Here is why Katina Green is confident that she will prevail if the defendants accept her challenge.

What are the facts at issue? Katina Green has alleged that her sister's death was the result of the gross negligence and willful and wanton misconduct of the defendants. She seeks compensatory and punitive damages. Negligence which is so willful or wanton as to evidence a

**CUTHBERT**  
**LAW OFFICES**  
**PROFESSIONAL CORPORATION**  
120 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

3  
324

conscious disregard of the rights of others, as well as malicious conduct, will support an award of punitive damages. *Booth v. Robertson*, 206 Va. 269, 273, 374 S.E.2d 1 (1988).

In determining whether Officers Buckovich and Ingram are liable for punitive damages, the jury must evaluate the actions of these defendants in the strict context of the facts that they knew when they acted. *Griffin v. Shively*, 227 Va. 317, 321, 315 S.E.2d 210, 213 (1984) ("Willful and wanton negligence is acting consciously in disregard of another person's rights or acting with reckless indifference to the consequences, with the defendant aware, from his knowledge of existing circumstances and conditions, that his conduct probably would cause injury to another.") (Emphasis added).

Similarly, in determining whether Officers Buckovich and Ingram were grossly negligent when Sgt. Ingram killed Christie Green, evidence is irrelevant that drugs were found inside after Sgt. Ingram inflicted the fatal wounds. Gross negligence is "that degree of negligence which shows indifference to others as constitutes an utter disregard of prudence amounting to a complete neglect of the safety" of another. *Ferguson v. Ferguson*, 212 Va. 86, 92, 181 S.E.2d 648, 653 (1971). It must be such a degree of negligence as would shock fair minded people although something less than willful recklessness. *Id. Cf. Jackson v. Chesapeake & Ohio Ry. Co.*, 179 Va. 642, 649, 20 S.E.2d 489, 492 (1942), stating:

"Accordingly, in actions for negligence the courts generally deny the admissibility of evidence of the reputation of the defendant for negligence, his habits of negligence, his habitual negligent conduct, etc., upon the issue of his negligence at the time of the injury complained of." (Emphasis added.)

4. Hypotheticals dealing with self-defense are distinguishable.

Hypotheticals dealing with self-defense are distinguishable. This is because, in the case of Christie Green, there is no issue as to whether, when Sgt. Ingram fired the fatal shot, he and Officer Buckovich believed in good faith that there were drugs, guns, and homicide suspects in the

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

apartment. Katina Green stipulates that they did have such a good faith belief. In contrast, when self-defense is an issue, all evidence is relevant that tends to prove or disprove such defense.

For example, take the case of a police shooting. The policeman claims self-defense -- he fired because he thought that the victim had a pistol, as well as his hand, in his trouser pocket and was about to draw the pistol and shoot. Ordinarily, it would be relevant whether or not in fact the victim had a pistol in his pocket. Such evidence would tend to prove or disprove the reasonableness of the policeman's decision to shoot. If, however, the victim were to stipulate that the policeman believed in good faith that the victim had a pistol in his pocket and was about to shoot, evidence to that effect would be irrelevant and hence inadmissible.

The case of Christie Green is like the hypothetical with the stipulation: Katina Green's stipulation makes the evidence irrelevant and hence inadmissible.

**5. In the alternative, the prejudicial effect outweighs the probative value.**

In the alternative, the prejudicial effect of these alleged drug photographs outweighs their probative value. The prejudicial effect is massive. These photographs tend to validate, improperly and retrospectively, the conduct of Officers Buckovich and Ingram. At the same time, they taint Christie Green with thoughts of guilt by association -- another unfounded emotion.<sup>1</sup> And there is no legitimate probative value.

**6. Conclusion as to Photograph #s 110, 180, and 197.**

For these reasons, Katina Green asks this Court to sustain her objections to these photographs as irrelevant or, in the alternative, unduly prejudicial.

---

<sup>1</sup> At the hearing held September 30, 2003, this Court held that the defendants may not present evidence or argument that Ms. Green was contributorily negligent or assumed the risk.

**B. Photograph #s 229, 246, and 257**

These three photographs depict firearms, ammunition, and a pistol silencer that the Richmond police found inside the apartment in question after Sgt. Ingram shot Christie Green.

Katina Green challenges the defendants to give one reason why these photographs are relevant, and for the reasons given above she is confident that she will win this challenge. Please keep in mind her stipulation that, when Sgt. Ingram fired the fatal shot, both he and Officer Buckovich believed in good faith that there were illegal drugs, guns, and homicide suspects in the apartment.

Katina acknowledges that this Court held on September 25, 2003, and again on September 30, 2003, that evidence was admissible that guns were found inside after the tort. Nevertheless, she asks this Court to exclude these photographs for several reasons:

1. Because her counsel believes that this Court's rulings on September 25, 2003 and September 30, 2003 constitute reversible error, on the basis of the authorities cited above, especially *Griffin v. Shively, supra*, ("with the defendant aware, from his knowledge of existing circumstances and conditions").
2. Because these photographs go beyond proving that guns were found inside the apartment after the fact. They actually depict the weapons, the ammunition, and a silencer.
3. And because the prejudicial effect outweighs the probative value (whatever that value might be).

**C. Photograph #275**

This photograph depicts a hole made by a shot fired by someone other than Christie Green from inside the apartment during the raid. The hole is in the lower sash of the center window.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

Katina Green objects to this photograph on grounds that its prejudicial effect (that Sgt. Ingram was a hero, or that Christie Green allegedly was fraternizing with bad people and hence deserved what she got) outweighs its probative value (that shots were fired by someone other than Christie Green from inside the apartment during the raid -- a fact that Katina Green stipulates). When the shot was fired, Sgt. Ingram could not even see the window in question -- the window in question is at the front of the apartment, and Sgt. Ingram was around the corner, firing at the kitchen door.

On the basis of the authorities cited above, Katina Green asks this Court to exclude this photograph, both because it is irrelevant to any fact at issue, and because its prejudicial effect outweighs its probative value.

**D. Physical Evidence Recovery Checklist**

A copy of this document is attached (Document #93). It mentions guns, ammunition, and a silencer and hence should be excluded, for the same reason that the photographs of guns and ammunition should be excluded.

**E. SWAT Team search warrant for 1112-C Dove Street**

A copy of this document is attached (Document #s 7, 226, and 227). It mentions illegal drugs and guns, has no probative value, and hence is irrelevant and inadmissible in light of Katina Green's stipulation that officers Buckovich and Ingram believed in good faith that there were illegal drugs, guns, and homicide suspects in the apartment.

**F. Richmond Police Department Investigative Notebook**

This document contains 589 pages, including statements of witnesses (hearsay) and irrelevant and inadmissible references to illegal drugs and guns.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

7  
328

**G. Property and Evidence Voucher**

A copy of this document is attached (Document #90). It mentions guns, ammunition, and a silencer, has no probative value, and hence is irrelevant and inadmissible.

**MOTION #3**

The plaintiff, by counsel, hereby moves this court to prohibit the defense from mentioning any allegations that the plaintiff made against the manufacturer.

The grounds for this motion are as follows:

1. At the hearing held September 30, 2003, this Court ruled that the defendants may mention any allegations that the plaintiff made against the manufacturer, to the extent that these allegations are inconsistent with claims that the plaintiff makes against the defendants.
2. Attached is a copy of the amended motion for judgment. Counts three (breach of express warranties), four (breach of implied warranties), and five (negligence) contain the allegations that the plaintiff made against the manufacturer.
3. As a matter of law, the plaintiff's allegations against the manufacturer are not inconsistent with the claims that the plaintiff made against Officers Buckovich and Ingram. We know this because liability of the manufacturer does not in any way rule out the liability of Officers Buckovich and Ingram:
  - a. The plaintiff alleged joint and severed liability.
  - b. The allegation that the manufacturer breached express or implied warranties or was negligent does not gainsay that:
    - 1). Officer Buckovich was negligent in:
      - a). Deciding to use frangible slugs as a breaching tool under the circumstances of this case.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

- b). Failing to see that Sgt. Ingram did not commit certain acts of negligence.
- c). Failing to see that Sgt. Ingram was properly trained.
- d). Failing to conduct appropriate surveillance.

2). Officer Ingram was negligent in:

- a). Aiming four of his five blasts in the gap between the deadbolt latch and the knob latch.
- b). Failing to check the target door after each of blasts one through four.
- c). Failing to turn the knob after each blast to see if the target door would open.
- d). Failing to aim the shotgun at a 45 degree down angle.
- e). Failing to aim the shotgun at a 45 degree down angle toward the jamb.

c. As VMJI Instruction #4.020 states:

If two or more persons are negligent, and if the negligence of each proximately caused the plaintiff's injury, then each is liable to the plaintiff for his injury. This is true even if the negligence of one is greater than the negligence of others.

*Coleman v. Blankenship Oil Corp.*, 221 Va. 124, 131, 267 S.E.2d 143, 147

(1980), stating:

In order to relieve a defendant of liability for his negligence, negligence intervening between the defendant's negligence and the injury "must so entirely supersede the operation of the defendant's negligence that it alone, without the defendant's (negligence contributing) thereto in the slightest degree, produces the injury." *Richmond v. Gay*, 103 Va. 320, 324, 49 S.E. 482, 483 (1905).

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658



In this regard, along the time line of events, the alleged gross negligence of Officers Buckovich and Ingram co-existed with the alleged wrongs of the manufacturer: at most they combined to cause Sgt. Ingram's fatal shot. *Atkinson v. Scheer*, 256 Va. 448, 455, 508 S.E.2d 68, 72 (1998), a medical malpractice action, holding that the trial court erred in allowing evidence that another physician (who was not a party) was negligent, explaining:

Even though Dr. Wampler-Adams, just as Dr. Rothman in *Jenkins*, had the last opportunity to take acts which would have substantially increased the patient's probability of survival, Dr. Wampler-Adams' failure to act did not entirely sever the chain of proximate causation set in motion by Dr. Scheer's alleged negligence.

In other words, the plaintiff's allegations against the manufacturer do not rule out that Officers Buckovich and Ingram are liable to the plaintiff as well. Hence, there is no inconsistency in the plaintiff's pleadings. Hence, the plaintiff asks this Court to prohibit evidence that the plaintiff made against the manufacturer.

d. As the Supreme Court of Virginia recently noted:

a trial court must be cautious to insure that separating or consolidating claims for trial does not prejudice the substantial rights of any party.

*Allstate Insurance Co. v. Wade*, 265 Va. 383, 393, 579 S.E.2d 180, 185 (2003).

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION

120 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658

KATINA GREEN, ADMINISTRATOR  
OF THE ESTATE OF CHRISTIE D. GREEN

By CH Cuthbert Jr.  
Counsel

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
A Professional Corporation  
220 North Sycamore Street  
Petersburg, VA 23803-3228

CERTIFICATE OF SERVICE

On December 24, 2003, a copy of this document was faxed and mailed to:

Beverly A. Burton, Esquire  
Senior Assistant City Attorney  
Office of the City Attorney  
900 East Broad Street, Room 300  
Richmond, VA 23219

CH Cuthbert Jr.  
Charles H. Cuthbert, Jr.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

VIRGINIA:

12/12/03 revision

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA

(a Delaware corporation),

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,

JOHN B. BUCKOVICH,

and GEORGE INGRAM,

Defendants.

Case No. LL-2806-4

ORDER

On September 25, 2003 came the parties, by counsel, on various motions filed by the plaintiff. For the reasons stated from the bench, the Court rules as follows:

1. With respect to motion #1 sub-part #1 (dealing with evidence as to collateral sources), the Court grants the motion and forbids the defense from attempting to convey any of the following to the jury in any manner, either directly or indirectly:

- a. Katina Green, aunt of the two statutory beneficiaries, has adopted Kevasha.
- b. Katina Green is an excellent surrogate mother to Kevasha.
- c. The amount of compensation earned by Katina Green at her job.
- d. Kevasha is covered by Medicare.
- e. Katina Green is receiving General Relief on account of Kevasha.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION

10 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658

- f. Dollnice Skipper, a family friend to whom Christie Green gave temporary custody of DiQasha Green (the other statutory beneficiary), is an excellent surrogate mother to DiQasha.
- g. The amount of compensation earned by Dollnice Skipper at her job.
- h. DiQasha is covered by health insurance earned by Dollnice Skipper through her job.

2. With respect to motion #1 sub-part #2 (dealing with certain facts surrounding the death of Christie Green, including drugs and guns), the plaintiff withdraws her objection to evidence that, during the raid, someone fired three pistol shots from inside the apartment. As to the balance of this motion, the court denies it.

3. As to motion #1 sub-part #3 (dealing with the incident involving Kevin Jones earlier on December 29, 1998), the court grants the motion and prohibits the defense from introducing evidence or making argument that Kevin Jones was wanted or arrested for murder and the circumstances surrounding his arrest, including but not limited to evidence or argument of a separate SWAT team raid earlier on December 29, 1998 at another apartment where Ms. Green was present, and that the purpose of such earlier raid was to arrest Mr. Jones for murder.

4. With respect to motion #1 sub-part #s 4 and 5 (dealing with the admissibility of excerpts from expert witness disclosures previously filed by the plaintiff), the Court withholds any ruling pending development of other evidence at trial. In the meantime, the defense may not make mention of any such disclosures without first approaching the bench and obtaining leave.

5. With respect to motion #1 sub-part #6 (dealing with whether the defendants may claim that the #22 TKOs fired by Sgt. Ingram allegedly malfunctioned), the Court prohibits all lay defense witnesses and parties from stating any such conclusion (such conclusion invading the

province of the jury), but allows defense counsel to argue to the jury that the #22 TKOs did indeed malfunction.

6. With respect to motion #1 sub-part #7 (dealing with evidence or argument that the #22 TKOs with a red hull have different performance characteristics than those with a silver hull), the Court grants the motion.

7. With respect to motion #2 (dealing with the editing of transcripts of the deposition testimony of various witnesses), the Court notes that the parties have resolved all differences except for those dealing with the deposition given by Jimmy Trahin on August 25, 2003. With respect to such deposition testimony of Mr. Trahin, the Court sustains the defense objection to the use of this deposition, with leave to the plaintiff to present authorities and argument at a later time in support of the admissibility of this deposition testimony.

8. With respect to motion #3 (asking for leave to use certain software to present video testimony), the Court denies the motion.

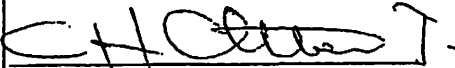
9. With respect to motion #4 (asking the Court to require both parties to submit their proposed voir dire questions in advance), the Court denies the motion.

Enter: \_\_\_\_\_  
Judge Randall G. Johnson

Date: \_\_\_\_\_

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION  
0 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

Seen and objected to:<sup>1</sup>



Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
Counsel for the plaintiff

SEEN:

Vicki W. Harris, Esquire  
Counsel for defendants

<sup>1</sup>With respect to the Court's decision concerning the admissibility of evidence as to drugs, guns, and homicide suspects found within the apartment after Sgt. Ingram killed Christie Green, such evidence is not relevant to prove either gross negligence or the plaintiff's entitlement to punitive damages. Hence, it is not relevant. In this regard, the plaintiff incorporates by reference the argument given orally at the hearing held September 30, 2003, as well as in her corresponding motion #3. Furthermore, evidence found (or not found) after Sgt. Ingram fired the fatal shot is not probative of the care (or lack of care) with which the defendants acted. Please note that the plaintiff stipulates that, when Sgt. Ingram fired the fatal shot, the defendants had a good faith basis to believe that there were illegal drugs, guns, and homicide suspects in the apartment. In the alternative, the prejudicial effect of such evidence outweighs any probative value. This evidence prejudices Ms. Green in two ways: first, it tends improperly to validate, retrospectively, the gross negligence of the defendants; and second, it improperly taints Ms. Green with "guilt by association." Ms. Green repeats her request that, if the Court allows this evidence, the Court give a limiting instruction telling the jury the only purposes for which the jury may consider this evidence.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

Case No. LL-2806-4

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA

(a Delaware corporation),

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,

JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

ORDER

On September 30, 2003 came the parties, by counsel, on various motions. For the reasons stated from the bench, the Court rules as follows:

1. With respect to motion #1 (asking the Court to exclude certain evidence *in limine*):
  - a. The defense may not present evidence or argument that the plaintiff sued the manufacturer.
  - b. The defendants may mention any allegations that the plaintiff made against the manufacturer, to the extent that those allegations are inconsistent with claims that the plaintiff makes against the defendants.
  - c. The defendants may not present evidence or argument that Ms. Green was contributorily negligent or assumed the risk.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

2. With respect to motion #2 (requesting leave to show the panel, during voir dire, plaintiff's Exhibits 19 and 20, one being a photograph showing Christie Green with Kevasha and another being a photograph showing Christie Green with DiQasha), the Court grants the motion.

3. With respect to motion #3 (asking the Court to reconsider and refine its decision dealing with drugs and guns, and also to rule *in limine* that evidence as to homicide suspects is not admissible), the Court denies the motion. In doing so, the Court did not address the plaintiff's request for a limiting instruction.

4. With respect to motion #4 (dealing with objections to the videotaped *de bene esse* deposition testimony of the defense expert witness Mr. Larry Beadles), the defendants withdrew excerpts 34:13 - 34:25 and 35:4 - 35:10. As to the balance of the proposed deposition testimony of Mr. Beadles, after the defendants have withdrawn these two excerpts, the Court denies the motion.

5. With respect to evidence as to the incident on Afton Avenue earlier on December 29, 1998, involving the SWAT team, the Court prohibits the introduction of any such evidence or argument except for the purpose of cross-examining any expert witness who testifies that, on account of the trauma of Christie Green's death, Kevasha Green has suffered post-traumatic stress disorder, assuming that the defendants can lay a sufficient foundation to justify such cross-examination.

Enter: \_\_\_\_\_  
Judge Randall G. Johnson

Date: \_\_\_\_\_

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658



Seen and objected to:<sup>1</sup>

---

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
Counsel for the plaintiff

SEEN:

---

Vicki W. Harris, Esquire  
Counsel for defendants

---

<sup>1</sup> The plaintiff objects to the following rulings, for the following reasons:

1. With respect to the Court's decision allowing the defendants to present evidence as to the plaintiff's allegations against the manufacturer, for four independent reasons, this decision is wrong. First, it is wrong because it allows the defendants to exploit a tactical advantage that exists only because this Court bifurcated the trial of the claims against the manufacturer from the trial of the claims against the two police officers. Because of bifurcation, there is now no attorney to stand before the jury and defend the #22 TKO. The same power that authorized this Court to bifurcate should likewise authorize this Court to bar the evidence in question. Second, it is wrong because a reasonable jury could not conclude from the evidence that the manufacturer's alleged breach of express warranties (Count 3), breach of implied warranties (Count 4), or negligence (Count 5) "so entirely supersede the operation of the defendant's negligence [that is, the negligence of Officers Buckovich and Ingram] that it [the manufacturer's alleged wrongs] alone, without the defendant's negligence contributing thereto in the slightest degree, produces the injury." (Attached is a copy of the motion for judgment.) *Coleman v. Blankenship Oil Corp.*, 221 Va. 124, 131, 267 S.E.2d 143, 147 (1980), stating:

In order to relieve a defendant of liability for his negligence, negligence intervening between the defendant's negligence and the injury "must so entirely supersede the operation of the defendant's negligence that it alone, without the defendant's (negligence contributing) thereto in the slightest degree, produces the injury." *Richmond v. Gay*, 103 Va. 320, 324, 49 S.E. 482, 483 (1905).

In this regard, along the time line of events, the alleged gross negligence of Officers Buckovich and Ingram co-existed with the alleged wrongs of the manufacturer: at most they combined to cause Sgt. Ingram's fatal shot. *Atkinson v. Scheer*, 256 Va. 448, 455, 508 S.E.2d 68, 72 (1998), a medical malpractice action, holding that the trial court erred in allowing evidence that another physician (who was not a party) was negligent, explaining:

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

Even though Dr. Wampler-Adams, just as Dr. Rothman in *Jenkins*, had the last opportunity to take acts which would have substantially increased the patient's probability of survival, Dr. Wampler-Adams' failure to act did not entirely sever the chain of proximate causation set in motion by Dr. Scheer's alleged negligence.

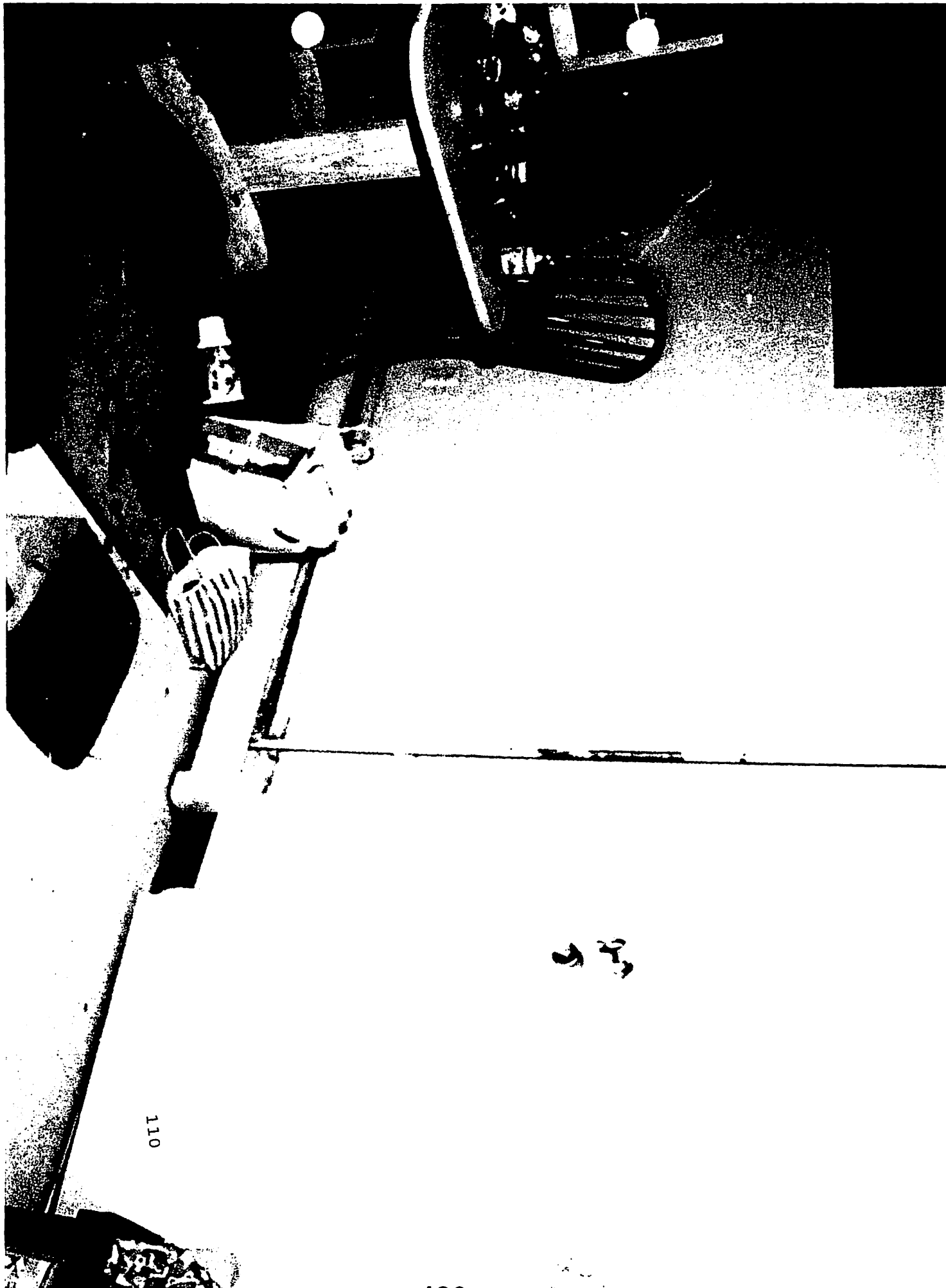
Third, it is wrong because a jury has concluded that the plaintiff's claims against the manufacturer are meritless. Please see the attached copy of the final order in the action against the manufacturer (Plaintiff's Exhibit 15.1). Fourth, it is wrong because the prejudicial effect of this evidence in question outweighs any probative value.

2. With respect to the Court's decision concerning the admissibility of evidence as to drugs, guns, and homicide suspects found within the apartment after Sgt. Ingram killed Christie Green, such evidence is not relevant to prove either gross negligence or the plaintiff's entitlement to punitive damages. Hence, it is not relevant. In this regard, the plaintiff incorporates by reference the argument given orally at the hearing held September 30, 2003, as well as in her corresponding motion #3. Furthermore, evidence found (or not found) after Sgt. Ingram fired the fatal shot is not probative of the care (or lack of care) with which the defendants acted. Please note that the plaintiff stipulates that, when Sgt. Ingram fired the fatal shot, the defendants had a good faith basis to believe that there were illegal drugs, guns, and homicide suspects in the apartment. In the alternative, the prejudicial effect of such evidence outweighs any probative value. This evidence prejudices Ms. Green in two ways: first, it tends improperly to validate, retrospectively, the gross negligence of the defendants; and second, it improperly taints Ms. Green with "guilt by association." Ms. Green repeats her request that, if the Court allows this evidence, the Court give a limiting instruction telling the jury the only purposes for which the jury may consider this evidence.

**CUTHBERT  
LAW OFFICES**

20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658



110



Traveller  
Tulle  
\$19.00  
R  
DO  
File

180

197

triscuit

197

198



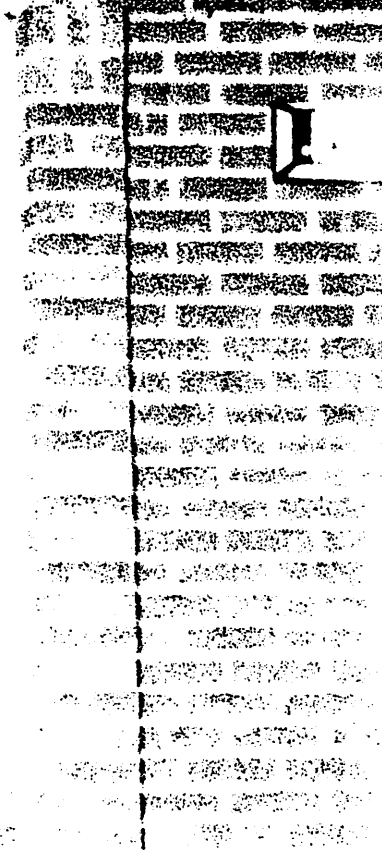
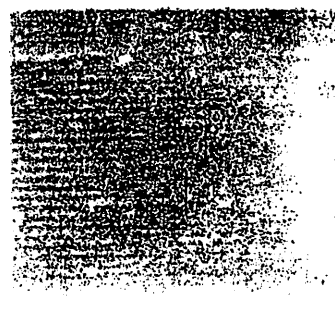
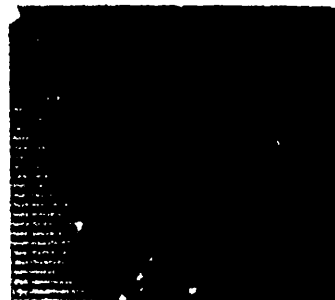
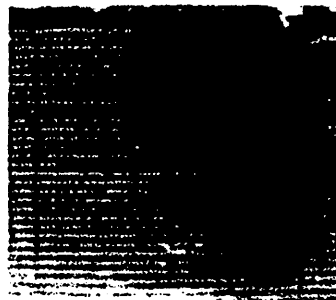
229

**CREDIT**  
AVERAGE OF \$0.85

246

257





**FORENSIC UNIT**  
**PHYSICAL EVIDENCE RECOVERY CHECKLIST**

(308)

DATE 12-29-98 TIME 1140 CASE NUMBER 981229-0805  
 OFFENSE Police shooting LOCATION 1112 DOVE ST Apt C.  
 VICTIM(S) Christy Green  
 MISCELLANEOUS \_\_\_\_\_

EVIDENCE RECOVERED BY EL Probst / R. Warthen CODE 1427/1717

**I. INITIAL PHASE**

- ☒ Scene Secured
- ☐ Preliminary Survey Conducted
- ☐ Over-all Photographs Taken
- ☐ Rough Sketch Initiated

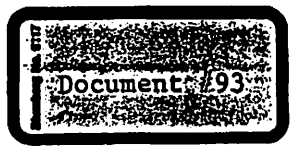
Det Reggie Allen  
 Det Renee Payne  
 Ron DAKS - 2296 - (33)  
~~Lee Sellers~~  
 Douglas Maxwell #310

**II. COLLECTION PHASE**

ITEM	EVIDENCE	PHOTOGRAPHS		MEASUREMENTS	SKETCHES	CONTROLS KNOWN	LABELED AND PACKAGED
		MID-RANGE	CLOSE UP				
1	shot shell case	✓	✓	8'5"		3'1"	
2	shot shell case	✓	✓	15'5"		11'7"	
3	shot shell case	✓	✓	4"		12'3"	
4	shot shell case	✓	✓	10"		13'	
5	shot shell case	✓	✓	7'7"		15'3"	
6	shot shell case - front dr	✓	✓		19'1"		4'11"
7	shot shell case	✓	✓		19'8"		1"
8	Door knob (box) "	✓	✓		24'5"		3'8"
9	shot shell case "	✓	✓		23'2"		2'6"
10	shot shell case "	✓	✓		23'7"		1'
11	shot shell case	✓	✓		24'2"		1'6"

**III. FINAL PHASE**

- ☐ Fingerprint Process
- ☐ Over-all Measurements
- ☐ Final Search



(213)

981224-0805

N

S

E

W

ITEM NO.	TYPE OF EVIDENCE	PHOTOGRAPHS MIDRANGE   CLOSEUP	MEASURE- MENTS	PLACED ON SKETCH	CONTROLS KNOWN	LABELED PACKAGE
12	Door Knob - front door	✓	✓	2'4"		1'1"
13	Lock Device	✓	✓	3'		11"
14	Cartridge Case	✓	✓	5'4"		7"
15	Cartridge	✓	✓	7'6"		11"
16	Shotshell Wad	✓	✓	5'2"		2'9"
17	Shotshell Wad	✓	✓	6'5"		5'
18	Cartridge Case	✓	✓	8"		4'11"
19	Plastic Wad	✓	✓	2'3"		5'6"
20	Handgun	✓	✓	1'11"		6'8"
21	Plastic Wad	✓	✓	4'9"		7'1"
22	Shotshell Wad			2'8"		7'9"
23	Fragment			8'6"		6'5"
V	Head			5'4"		5'7"
1	mid section			6'3"		4'
V	Left Foot			7'7"		10"
24	Plastic Wad			7'11"		6'7"
25	Cartridge Case	(Found inside of empty bag. (1mm head larger stamp))		1'6"		6'7"
26	Wallet - right front					4'5"
27	Lock Device	removed from under dining table				
28	Shotshell Wad			4'1"		9'6"
29	Bullet - under dining table			3'2"		11'1"
30	Cartridge - on top of table					
31	Handgun	removed from drawer of chest				
32	Handgun					
33	Magazine					
34	Magazine					
35	Magazine					

009146 Body/Removed  
BAG 0625 hrs

Page \_\_\_\_ of \_\_\_\_

214

781229-0805

N

S

E

(310) W

ITEM NO.	TYPE OF EVIDENCE	PHOTOGRAPHS		MEASURE- MENTS	PLACED ON SKETCH	CONTROLS KNOWN	LABEL PACKA
		MIDRANGE	CLOSEUP				
36	Cartridges						
415)	380 (8) 45 (1) 7.62						
37	Shotshell Wad				8'8"		13'11"
38	Hand am - couch				10'		14'1"
39	Fragment				9'7"	2'4" from wall for object	
40	Rifle - Found in closet in living Rm.						
41	Lock Device Rm	in living	B2	4'7"		1'10"	
42	Lock Device "	" - "	B2	4'7"		5'6"	
43	Bullet removed from hole #44			6'5"			
44	Hole - Assoc. #43 W. Wall	near front dr.		6'5"			
45	Hole - W. Wall	near front dr.		6'8"			
46	Hole - in front dr.						
47	Hole - in window pane (dalle)	1" DO.					
48	Hole - closet dr. liv. Rm	Front					
49	Hole " "						
50	Hole " "						
51	Hole " "						
52	Hole " "						
53	Shotshell Wad				4"	3'	
54	Shotshell Wad				1'3"	2'4"	
55	Hole - S.W. corner						3'3"
56	Hole - S.W. corner						
57	"						
58	"						
59	Wad - S.W. corner						
60	Shotshell Wad	on kitchen counter					
61	GIRTS DENNIS / POWDER gray						

Substance found in bottom of Kitchen Cabinet

W

216

67  
Possession of Heroin with the intent to distribute, in violation of Virginia code 18.2-248

The place, person, or thing to be searched for are described as follows:

(If CONTINUED ON  
ATTACHED SHEET)

The entire dwelling and all persons located inside, 1112 Dove Street, Apartment C Richmond, Virginia.  
The said dwelling is located within the City of Richmond, North of the James River.

3. The things or persons to be searched for are described as follows:

(If CONTINUED ON  
ATTACHED SHEET)

Heroin or any other illegal narcotic and or drug, any substance that increases the bulk amount of the drug  
drugs, drug paraphernalia, packaging materials commonly, or uncommonly used to contain narcotics  
or other illegal contraband. Currency, weight scales, electronic equipment used to facilitate narcotics  
trafficking, ammunition, any firearms found therein.

## AFFIDAVIT FOR SEARCH WARRANT

### APPLICANT:

Timothy L. Walker  
NAME

Police Officer  
TITLE (IF ANY)

301 S. Meadow Street Richmond, VA

ADDRESS

Certified to Clerk of

Circuit Court on

TITLE

SIGNATURE

Delivered to clerk of

Circuit Court on

by the undersigned

TITLE

SIGNATURE  
Document 7

7. THE MATERIAL FACTS CONSTITUTING PROBABLE CAUSE A SEARCH SHOULD BE MADE ARE:

Within the last 52 hours, a confidential, reliable informant was inside 1112 Dove Street #C. The C.I. relayed the following information to this affiant: the C.I. observed two subjects inside 1112#C Dove Street distribute and have Heroin packaged for street distribution. The C.I. described the two subjects as follows: A Black Male in his late teens known to the informant as "Muscle." The second subject is described as a Black Male in his mid teens known to the informant as "Little James." The informant further stated both "Muscle" and "Little James" had in their possession, inside of this dwelling, two assault type rifles. The informant also stated that this dwelling is used by individuals for using and purchasing narcotics. Both "Little James" and "Muscle" have been questioned by Richmond Homicide Detectives in relationship to homicides involving assault type rifles.

5. The object, thing or person searched for constitutes evidence of the commission of such offense.

6. ☒ I have personal knowledge of the facts set forth in this affidavit

OR

☒ I was advised of the facts set forth in this affidavit, in whole or in part, by an informant.

This informant's credibility or the reliability of the information may be determined from the following facts:

The informant has made a controlled purchase of narcotics in the past for this Affiant. The controlled buy took place in the following manner : After a interview with this informant, the informant told this Affiant where the informant could purchase narcotics, The informant was searched for drugs and money. None were found. The informant was given official funds to purchase narcotics. The informant went to a predesignatd location while under observation. The informant returned from the location and turned the narcotics over to the Affiant. The informant was again searched after the controlled buy and no other money or narcotics were found. The informant has given reliable information in the past that has been proven truthful through independent police investigations.

Our affiant has first hand knowledge of "Muscle" and "Little James." The Affiant has been in contact with "Muscle," known as Alvin Keon Anderson and "Little James," known as James Henry Simson. The contact of both "Muscle" and "Little James," were made on the property of Dove Court.

The statement above are true and accurate to the best of my knowledge and belief

Police Officer  
TITLE OF APPLICANT (IF ANY)

*Timothy L. Walker*  
Timothy L. Walker  
APPLICANT

Subscribed and sworn before me this day.

12/17/98 @ 2135 hr  
DATE AND TIME

CLERK

MAGISTRATE

JUDGE

To any person, eman of a county, city or town:

To: .....

You are hereby commanded in the name of the Commonwealth to forthwith search either in day or night

The entire dwelling located at 1112 Dove Street, Apartment Unit #C, in the City of Richmond, North of the James River

LOCATION / DESCRIPTION OF PLACE, PERSON, OR THING TO BE SEARCHED



..... for the following property, objects and/or persons:  
Heroin, and any other controlled substance, and any item / substance that increases the bulk amount of the drug. Also, paraphernalia, packaging materials, currency, weight scales, electronic equipment used to facilitate the use / distribution of controlled substances, firearms, ammunition, and either written / printed and or electronic records which may indicate persons involved in either the use or illegal sale of controlled substances, and those that may indicate residency of the dwelling. Also search any persons located therein at the time of execution of this process.

You are further commanded to seize said property, persons, and/or objects if they be found and to produce before the Richmond Circuit Court an inventory of all property, persons, and/or objects seized.

This search warrant is issued in relation to an offense substantially described as follows:

POSSESSION OF A CONTROLLED SUBSTANCE WITH THE INTENT TO DISTRIBUTE / VIRGINIA CODE SECTION 18.2-248

The undersigned, have found probable cause to believe that the property or person constitutes evidence of the crime identified herein or tends to show that the person(s) named or described here- has committed or is committing a crime, and further that the search should be made, based on statements in the attached affidavit sworn to by

Timothy L. Walker - RPD

NAME OF AFFIANT

2/29/1998 09:44 PM  
DATE AND TIME

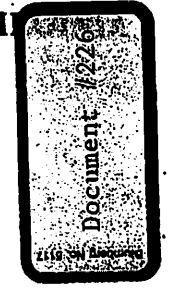
J. B. Znotens, Magistrate

CLERK

MAGISTRATE

# SEARCH WARRANT

COMMONWEALTH OF VIRGINIA



*In re/V.*

1112 DOVE STREET APT. # C  
CITY OF RICHMOND  
NORTH OF THE JAMES RIVER

4  
209



the following items, and no others, were seized under authority of this warrant:

1. 55
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

(CONTINUE AT RIGHT OR ATTACH ADDITIONAL PAGES AS NECESSARY)

The statement above is true and accurate to the best of my knowledge and belief.

(DATE)

EXECUTING OFFICER

Subscribed and sworn before me this day

(DATE)

☐ CLERK ☐ MAGISTRATE ☐ JUDGE

☐ NOTARY PUBLIC: My commission expires

Executed by searching the within described place, person or thing.

12-29-98 2:00

DATE AND TIME EXECUTED

James K. King  
EXECUTING OFFICER

Subscribed and sworn before me this day

Certified to

Circuit Court on

(DATE)

(EXECUTING OFFICER)

Received on

(DATE)

by

CLERK, CIRCUIT COURT

55  
210

Possession Heroin with the intent to distribute, in violation of Virginia code 2-248

553

2. The place, person, or thing to be searched for are described as follows:

(C) CONTINUED ON  
ATTACHED SHEET

The entire dwelling and all persons located inside, 1112 Dove Street, Apartment C Richmond, Virginia.  
The said dwelling is located within the City of Richmond, North of the James River.

3. The things or persons to be searched for are described as follows:

(C) CONTINUED ON  
ATTACHED SHEET

Heroin or any other illegal narcotic and or drug, any substance that increases the bulk amount of the drug  
drugs, drug paraphernalia, packaging materials commonly, or uncommonly used to contain narcotics  
or other illegal contraband. Currency, weight scales, electronic equipment used to facilitate narcotics  
trafficking, ammunition, any firearms found therein.

AFFIDAVIT FOR  
SEARCH WARRANT

APPLICANT:

Timothy L. Walker  
NAME

Police Officer  
TITLE (IF ANY)

301 S. Meadow Street Richmond, VA

ADDRESS

Certified to Clerk of

Circuit Court on

TITLE

SIGNATURE

Delivered to clerk of

Circuit Court on

by the undersigned

TITLE

SIGNATURE

356

211

4. The material facts constituting probable cause a search should be made are:

559  
Within the last 52 hours, a confidential, reliable informant was inside 1112 Dove Street #C. The C.I. relayed the following information to this affiant: the C.I. observed two subjects inside 1112#C Dove Street distribute and have Heroin packaged for street distribution. The C.I. described the two subjects as follows: A Black Male in his late teens known to the informant as "Muscle." The second subject is described as a Black Male in his mid teens known to the informant as "Little James." The informant further stated both "Muscle" and "Little James" had in their possession, inside of this dwelling, two assault type rifles. The informant also stated that this dwelling is used by individuals for using and purchasing narcotics. Both "Little James" and "Muscle" have been questioned by Richmond Homicide Detectives in relationship to homicides involving assault type rifles.

5. The object, thing or person searched for constitutes evidence of the commission of such offense.

6. ☒ I have personal knowledge of the facts set forth in this affidavit

OR

☒ I was advised of the facts set forth in this affidavit, in whole or in part, by an informant.

This informant's credibility or the reliability of the information may be determined from the following facts:

The informant has made a controlled purchase of narcotics in the past for this Affiant. The controlled buy took place in the following manner : After a interview with this informant, the informant told this Affiant where the informant could purchase narcotics. The informant was searched for drugs and money. None were found. The informant was given official funds to purchase narcotics. The informant went to a predesignatd location while under observation. The informant returned from the location and turned the narcotics over to the Affiant. The informant was again searched after the controlled buy and no other money or narcotics were found. The informant has given reliable information in the past that has been proven truthful through independent police investigations.

Your affiant has first hand knowledge of "Muscle" and "Little James." The Affiant has been in contact with "Muscle," known as Alvin Keon Anderson and "Little James," known as James Henry Simpson. The contact of both "Muscle" and "Little James" were made on the property of Dove Court.

The statement above are true and accurate to the best of my knowledge and belief

Police Officer  
TITLE OF APPLICANT (IF ANY)

257  
212  
J.L. Walker  
Timothy L. Walker  
APPLICANT

Subscribed and sworn before me this day.

129/98 @ 2135 hr.

J. Z...

01/06/1999

CITY OF RICHMOND  
POLICE DEPARTMENT  
Property and Evidence Voucher

(294)

Voucher Number: 987221 Property Type: E EVIDENCE	Officer: 1717 WARTHEN, RICHARD CCRE Code: 902 ALL OTHER OFFENSES
Incident Number: 981229-0805	
Found By - Name: E. PROVOST / R. WARTHEN Address: 501 N. 9TH ST City, State, Zip: RICHMOND, VA. 23219 Phone Number: (804) 780-6760	
Owner - Name: Address: City, State, Zip: Phone Number: ( ) -	
Suspects:	
Arrest Type: FELONY	
Address Found: 1112 #C DOVE ST.	

Barcode	Item Number	Item Code	Item Description	Serial Number	Weight or Value
	1	AMMO-SHO	SHOT SHELL CASES		0.00
Remarks: #22 TKO-FRANGIBLE SLUG					
	2	AMMO-SHO	SHOT SHELL CASES		0.00
Remarks:					
	3	AMMO-SHO	SHOT SHELL CASES		0.00
Remarks:					
	4	AMMO-SHO	SHOT SHELL CASES		0.00
Remarks:					
	5	AMMO-SHO	SHOT SHELL CASES		0.00
Remarks:					
	6	AMMO-SEC	SHOT SHELL CASES		0.00
Remarks:					
	7	AMMO-SHO	SHOT SHELL CASES		0.00
Remarks:					
	8	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HARDWARE- DOOR KNOB BASE					

(174)



01/06/1999

CITY OF RICHMOND  
POLICE DEPARTMENT  
Property and Evidence Voucher

(295)

Voucher Number: 987221 Property Type: E EVIDENCE	Officer: 1717 WARTHEN, RICHARD CCRE Code: 90Z ALL OTHER OFFENSES
Incident Number: 981229-0805	
Found By - Name: E. PROVOST / R. WARTHEN Address: 501 N. 9TH ST City, State, Zip: RICHMOND, VA. 23219 Phone Number: (804) 780-6760	
Owner - Name: Address: City, State, Zip: Phone Number: ( ) -	
Suspects:	
Arrest Type: FELONY	
Address Found: 1112 #C DOVE ST.	

Barcode	Item Number	Item Code	Item Description	Serial Number	Weight or Value
	9	AMMO-SHO	SHOT SHELL CASES		0.00
Remarks:					
	10	AMMO-SHO	SHOT SHELL CASES		0.00
Remarks:					
	11	AMMO-SHO	SHOT SHELL CASES		0.00
Remarks:					
	12	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HARDWARE-DOOR KNOB					
	13	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HARDWARE- DOOR LOCKING MECHANISM.					
	14	AMMO-CAR	CARTRIDGE CASE		0.00
Remarks: 9MM LUGER (PMC)					
	15	AMMO	AMMUNITION		0.00
Remarks: CARTRIDGE-9MM LUGER (FC)					
	16	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: SHOTSHELL WAD					

(175)

01/06/1999

**CITY OF RICHMOND  
POLICE DEPARTMENT  
Property and Evidence Voucher**

(296)

<b>Voucher Number:</b> 987221 <b>Property Type:</b> E EVIDENCE	<b>Officer:</b> 1717 WARTHEN, RICHARD <b>CCRE Code:</b> 90Z ALL OTHER OFFENSES
<b>Incident Number:</b> 981229-0805	
<b>Found By - Name:</b> E. PROVOST / R. WARTHEN <b>Address:</b> 501 N. 9TH ST <b>City, State, Zip:</b> RICHMOND, VA. 23219 <b>Phone Number:</b> (804) 780-6760	
<b>Owner - Name:</b> <b>Address:</b> <b>City, State, Zip:</b> <b>Phone Number:</b> ( ) -	
<b>Suspects:</b>	
<b>Arrest Type:</b> FELONY	
<b>Address Found:</b> 1112 #C DOVE ST.	

Barcode	Item Number	Item Code	Item Description	Serial Number	Weight or Value
	17	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: SHOTSHELL WAD					
	18	AMMO-CAR	CARTRIDGE CASE		0.00
Remarks: 9MM LUGER (R-P)					
	19	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: SHOTSHELL WAD					
	20	FA-PSTL	SEMIAUTOMATIC PISTOL	245NM17908	0.00
Remarks: 9MM					
	21	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: SHOTSHELL WAD					
	22	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: SHOTSHELL WAD					
	23	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: METAL FRAGMENT					
	24	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: PLASTIC FRAGMENT- WAD					

(176)

297

01/06/1999

**CITY OF RICHMOND  
POLICE DEPARTMENT  
Property and Evidence Voucher**

Voucher Number: 987221 Property Type: E EVIDENCE	Officer: 1717 WARTHEN, RICHARD CCRE Code: 90Z ALL OTHER OFFENSES
Incident Number: 981229-0805	
Found By - Name: E. PROVOST / R. WARTHEN Address: 501 N. 9TH ST City, State, Zip: RICHMOND, VA. 23219 Phone Number: (804) 780-6760	
Owner - Name: Address: City, State, Zip: Phone Number: ( ) -	
Suspects:	
Arrest Type: FELONY	
Address Found: 1112 #C DOVE ST.	

Barcode	Item Number	Item Code	Item Description	Serial Number	Weight or Value
	25	AMMO-CAR	CARTRIDGE CASE		0.00
Remarks: 9MM LUGER (WIN)					
	26	WALLET	WALLET		0.00
Remarks: CONTAINING MISC. PERSONAL PAPERS .					
	27	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HARDWARE- DOOR LOCK MECHANISM.					
	28	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: SHOTSHELL WAD					
	29	AMMO-BUL	AMMUNITION - BULLET		0.00
Remarks:					
	30	AMMO	AMMUNITION		0.00
Remarks: CARTRIDGE-9MM					
	31	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: METAL TUBE- (MUZZLE SUPPRESSOR) .					
	32	FA-PSTL	SEMI-AUTOMATIC PISTOL	BPN423 US	0.00
Remarks: GLOCK .40					

177

01/06/1999

**CITY OF RICHMOND  
POLICE DEPARTMENT  
Property and Evidence Voucher**

298

Voucher Number: 987221 Property Type: E EVIDENCE	Officer: 1717 WARTHEN, RICHARD CCRE Code: 90Z ALL OTHER OFFENSES
Incident Number: 981229-0805	
Found By - Name: E. PROVOST / R. WARTHEN Address: 501 N. 9TH ST City, State, Zip: RICHMOND, VA. 23219 Phone Number: (804) 780-6760	
Owner - Name: Address: City, State, Zip: Phone Number: ( ) -	
Suspects:	
Arrest Type: FELONY	
Address Found: 1112 #C DOVE ST.	

Barcode	Item Number	Item Code	Item Description	Serial Number	Weight or Value
	33	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: MAGAZINE					
	34	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: MAGAZINE					
	35	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: MAGAZINE, WITH 10 (9MM) CARTRIDGES					
	36	AMMO	AMMUNITION		0.00
Remarks: 15 (380) CARTRIDGES, 8 (45) CARTRIDGES, 1 (7.62) CARTRIDGE					
	37	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: SHOT SHELL WAD					
	38	FA-PSTL	SEMI-AUTOMATIC PISTOL		0.00
Remarks: HASKELL .45					
	39	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: METAL FRAGMENT					
	40	FA-RIFLE	RIFLE	08160/ 3-18081	0.00
Remarks: NORINCO 7.62X39					

178



01/06/1999

**CITY OF RICHMOND  
POLICE DEPARTMENT  
Property and Evidence Voucher**

299

<b>Voucher Number:</b> 987221 <b>Property Type:</b> E EVIDENCE	<b>Officer:</b> 1717 WARTHEN, RICHARD <b>CCRE Code:</b> 90Z ALL OTHER OFFENSES
<b>Incident Number:</b> 981229-0805	
<b>Found By - Name:</b> E. PROVOST / R. WARTHEN <b>Address:</b> 501 N. 9TH ST <b>City, State, Zip:</b> RICHMOND, VA. 23219 <b>Phone Number:</b> (804) 780-6760	
<b>Owner - Name:</b> <b>Address:</b> <b>City, State, Zip:</b> <b>Phone Number:</b> ( ) -	
<b>Suspects:</b>	
<b>Arrest Type:</b> FELONY	
<b>Address Found:</b> 1112 #C DOVE ST.	

Barcode	Item Number	Item Code	Item Description	Serial Number	Weight or Value
	41	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HARDWARE-DOOR DEADBOLT					
	42	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HARDWARE-DOOR LOCK (BOLT)					
	43	AMMO-BUL	AMMUNITION - BULLET		0.00
Remarks: BULLET REMOVED FROM HOLE #44.					
	44	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN WALL BOARD MADE BY #43.					
	45	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN WALLBOARD					
	46	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN FRONT DR.					
	47	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: WINDOW- WITH HOLE (BULLET)					
	48	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE - IN CLOSET DR.					

179

01/06/1999

**CITY OF RICHMOND  
POLICE DEPARTMENT  
Property and Evidence Voucher**

360

Voucher Number: 987221 Property Type: E EVIDENCE	Officer: 1717 WARTHEN, RICHARD CCRE Code: 90Z ALL OTHER OFFENSES
Incident Number: 981229-0805	
Found By - Name: E. PROVOST / R. WARTHEN Address: 501 N. 9TH ST City, State, Zip: RICHMOND, VA. 23219 Phone Number: (804) 780-6760	
Owner - Name: Address: City, State, Zip: Phone Number: ( ) -	
Suspects:	
Arrest Type: FELONY	
Address Found: 1112 #C DOVE ST.	

Barcode	Item Number	Item Code	Item Description	Serial Number	Weight or Value
	49	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN CLOSET DR.					
	50	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN CLOSET DOOR.					
	51	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN CLOSET DOOR.					
	52	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN CLOSET DOOR.					
	33	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: 3SHOTHELL WAD					
	54	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: SHOTSHELL WAD					
	55	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN SIDE DOOR.					
	56	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN KITCHEN CABINET.					

180

01/06/1999

**CITY OF RICHMOND  
POLICE DEPARTMENT  
Property and Evidence Voucher**

(361)

<b>Voucher Number:</b> 987221 <b>Property Type:</b> E EVIDENCE	<b>Officer:</b> 1717 WARTHEN, RICHARD <b>CCRE Code:</b> 90Z ALL OTHER OFFENSES
<b>Incident Number:</b> 981229-0805	
<b>Found By - Name:</b> E. PROVOST / R. WARTHEN <b>Address:</b> 501 N. 9TH ST <b>City, State, Zip:</b> RICHMOND, VA. 23219 <b>Phone Number:</b> (804) 780-6760	
<b>Owner - Name:</b> <b>Address:</b> <b>City, State, Zip:</b> - <b>Phone Number:</b> ( ) -	
<b>Suspects:</b>	
<b>Arrest Type:</b> FELONY	
<b>Address Found:</b> 1112 #C DOVE ST.	

Barcode	Item Number	Item Code	Item Description	Serial Number	Weight or Value
	57	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN KITCHEN CABINET.					
	58	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN KITCHEN CABINET.					
	59	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: WOOD DEBRIS RECOVERED FROM KITCHEN FL.					
	60	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: PLASTIC FRAGMENT- (SHOTSHELL WAD)					
	61	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks. GLASS DEBRIS W/ GRAY POWDER SUBSTANCE (FOUND INSID					
	52	AMMO-BUL	AMMUNITION - BULLET		0.00
Remarks: EXTERIOR NEAR LIV. RM. WINDOW.					
	63	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: WINDOW SCREEN W/ HOLE.					
	64	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: KITCHEN CABINET-W/ CARDBOARD.					

(187)

302

01/06/1999

CITY OF RICHMOND  
POLICE DEPARTMENT  
Property and Evidence Voucher

Voucher Number: 987221	Officer: 1717 WARTHEN, RICHARD
Property Type: E EVIDENCE	CCRE Code: 90Z ALL OTHER OFFENSES
Incident Number: 981229-0805	
Found By - Name: E. PROVOST / R. WARTHEN Address: 501 N. 9TH ST City, State, Zip: RICHMOND, VA. 23219 Phone Number: (804) 780-6760	
Owner - Name: Address: City, State, Zip: Phone Number: ( ) -	
Suspects:	
Arrest Type: FELONY	
Address Found: 1112 #C DOVE ST.	

*[Handwritten Signature]*

1/11/99

Barcode	Item Number	Item Code	Item Description	Serial Number	Weight or Value
P57115	65	AMMO-CAR	CARTRIDGE CASE		0.00
Remarks: 9MM (FG)					
P57116	66	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: HOLE- IN WALLBOARD.					
P57117	67	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: DOOR- FRONT					
P57118	68	OTHER	MISCELLANEOUS ITEMS		0.00
Remarks: DOOR- SIDE DR.					
P57119	69	CURRENCY	CURRENCY, MONEY		473.49
Remarks: FOUND IN WALLET #26.					
P57120	70	GSR KIT	GUN SHOT RESIDUE KIT		0.00
Remarks:					
P57121	71	GSR KIT	GUN SHOT RESIDUE KIT		0.00
Remarks:					
P57122	72	GSR KIT	GUN SHOT RESIDUE KIT		0.00
Remarks:					

147

303

01/06/1999

CITY OF RICHMOND  
POLICE DEPARTMENT  
Property and Evidence Voucher

Voucher Number: 987221	Officer: 1717 WARTHEN, RICHARD
Property Type: E EVIDENCE	CCRE Code: 90Z ALL OTHER OFFENSES
Incident Number: 981229-0805	
Found By - Name: E. PROVOST / R. WARTHEN Address: 501 N. 9TH ST City, State, Zip: RICHMOND, VA. 23219 Phone Number: (804) 780-6760	
Owner - Name: Address: City, State, Zip: Phone Number: ( ) -	
Suspects:	
Arrest Type: FELONY	
Address Found: 1112 #C DOVE ST.	

*[Signature]*  
1/11/99

Barcode	Item Number	Item Code	Item Description	Serial Number	Weight or Value
P57123	73	GSR KIT	GUN SHOT RESIDUE KIT		0.00
Remarks:					

148

367

368

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

10/1/100

LESLIE L. GREEN, ADMINISTRATOR OF )  
THE ESTATE OF CHRISTIE D. GREEN, )  
Plaintiff, )

v. )

Case No. LF-330-4

JOHN B. BUCKOVICH )  
and )  
GEORGE INGRAM, )  
Defendants. )

Serve: George Ingram  
501 North 9<sup>th</sup> Street  
Richmond, VA 23219

AMENDED MOTION FOR JUDGMENT

The plaintiff Leslie L. Green ("Mr. Green"), by counsel, states:

1. On or about December 29, 1998, the plaintiff's decedent Christie D. Green ("Ms. Green") died.
2. On or about January 19, 1999, the plaintiff qualified for and was duly appointed the Administrator of the Estate of Ms. Green by the Circuit Court of the City of Richmond, Virginia.
3. Ms. Green died intestate, survived by the following statutory beneficiaries per

Va. Code § 8.01-53:

- a. Kevasha Sada Green.
- b. Diqasha Sanic'e Green

UTHERBERT  
W OFFICES  
3017 SYCAMORE STREET  
PETERSBURG  
/ VIRGINIA 23303-3223  
(504) 733-3100  
3 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(504) 743-3100  
FACSIMILE  
(504) 732-4658

Document #111

4. By letter dated January 21, 1999, and received by the City of Richmond on January 26, 1999, the plaintiff gave notice of this claim as required by Va. Code § 8.01-222. Attached is an authentic copy of this letter and the corresponding card showing receipt.
5. By reason of the death of Ms. Green, the statutory beneficiaries have sustained the damages itemized in Va. Code § 8.01-52(1-5).
6. The plaintiff respectfully requests a jury trial.

Count 1  
(Gross negligence)

7. The plaintiff incorporates by reference paragraphs one through six, above.
8. The defendant John B. Buckovich ("Officer Buckovich") owed Ms. Green the duty to use reasonable care in supervising the forced entry into the apartment known as 1112-C Dove Street, in the City of Richmond, on Tuesday December 29, 1998.
9. Officer Buckovich breached the duty described in the foregoing paragraph.
10. In breaching this duty, Officer Buckovich was grossly negligent in that he showed such indifference to others, including Ms. Green, as to constitute an utter disregard of caution amounting to a complete neglect of the safety of another person, including Ms. Green.
11. Such gross negligence evinced a conscious disregard for the rights of others and/or criminal indifference to civil obligations.
12. There is no paragraph 12 to this amended motion for judgment.

**UTHERBERT  
W OFFICES**  
307H SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23003-3222  
(504) 733-3100  
3 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(504) 643-3100  
FACSIMILE  
(504) 732-4658

13. As a direct and proximate result of the gross negligence described above, Ms. Green died.
14. By reason of the death of Ms. Green, the statutory beneficiaries have sustained the damages itemized in Va. Code § 8.01-52 (1-5).

Count 2  
(Gross negligence)

15. The plaintiff incorporates by reference paragraphs one through six, above.
16. Ms. Green died as a direct and proximate result of one or more of five blasts from a shotgun fired by the defendant George Ingram ("Sgt. Ingram"). See the statement of Sgt. Ingram, a copy of which is attached as Document #40.
17. Sgt. Ingram thus fired the fatal blast or blasts in an effort to make a forced entry into 1112-C Dove Street, in the City of Richmond (the "Apartment"), on Tuesday December 29, 1998.
18. When Ms. Green collapsed due to the mortal wounds inflicted by Sgt. Ingram, she trapped one of her two infant daughters under her, and her own blood covered her trapped child. See Document #40, copy attached.
19. According to the report of the medical examiner, copy attached as Document #14, Ms. Green's cause of death was "shotgun wound of chest" caused by a "frangible 'breaching' round," and there were four entrance wounds in the right upper chest. See the attached copy of photograph #38, depicting these wounds. These wounds mark the entrance point of multiple frangible slug particles, fired by Sgt. Ingram, that proceeded to perforate all lobes of Ms. Green's right lung, her esophagus, her aorta, the left lower lobe of her left

**UTHERBERT  
W OFFICES**

30TH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23303-3223  
(304) 733-3100

1 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(304) 643-3100  
FACSIMILE  
(304) 732-6553



lung, and her heart. Postmortem toxicology was negative for alcohol, opiates, and cocaine.

20. Sgt. Ingram owed Ms. Green the duty to use reasonable care in making forced entry into the Apartment.
21. Sgt. Ingram breached the duty described in the foregoing paragraph.
22. In breaching this duty, Sgt. Ingram was grossly negligent in that he showed such indifference to others, including Ms. Green, as to constitute an utter disregard of caution amounting to a complete neglect of the safety of another person, including Ms. Green.
23. Such gross negligence evinced a conscious disregard for the rights of others and/or criminal indifference to civil obligations.
24. As a direct and proximate result of the gross negligence described above, Ms. Green died.
25. By reason of the death of Ms. Green, the statutory beneficiaries have sustained the damages itemized in Va. Code § 8.01.52 (1-5).

WHEREFORE Leslie L. Green, administrator of the estate of Christie D. Green, demands judgment against John B. Buckovich and George Ingram, jointly and severally, in the amount of six million and no/100ths dollars (\$6,000,000) compensatory damages, plus \$1,000,000 punitive damages, plus interest from December 29, 1998, and costs.

LESLIE L. GREEN, ADMINISTRATOR  
OF THE ESTATE OF CHRISTIE D. GREEN

UTHERBERT  
W OFFICES  
30TH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3225  
(304) 733-3100  
EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(304) 643-3100  
FACSIMILE  
(304) 732-6653

(372)

By CHC [Signature]  
Counsel

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
A Professional Corporation  
220 North Sycamore Street  
Petersburg, Virginia 23803

L-09.501 revised 6/6/98

**CUTHBERT  
LAW OFFICES**  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-1223  
(804) 733-3100  
EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4633

VIRGINIA:

## IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

LESLIE L. GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

ARMOR HOLDINGS, INC.  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA

(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,

JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

MOTION FOR JUDGMENT

The plaintiff Leslie L. Green ("Mr. Green"), by counsel, states:

1. On or about December 29, 1998, the plaintiff's decedent Christie D. Green ("Ms. Green") died.
2. On or about January 19, 1999, the plaintiff qualified for and was duly appointed the Administrator of the Estate of Ms. Green by the Circuit Court of the City of Richmond, Virginia.
3. Ms. Green died intestate, survived by the following statutory beneficiaries per Va. Code § 8.01-53:
  - a. Kevasha Sada Green, DOB September 26, 1995.
  - b. Diqasha Sanic'e Green, DOB April 9, 1997.

**WUTHBERT**  
**W OFFICES**  
PROFESSIONAL CORPORATION  
100 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
100 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4638

4. By reason of the death of Ms. Green, the statutory beneficiaries have sustained the damages itemized in Va. Code § 8.01-52(1-5).

5. The plaintiff respectfully requests a jury trial.

Count 1

(Gross negligence of Officer Buckovich)

6. The plaintiff incorporates by reference paragraphs one through five, above.

7. The defendant John B. Buckovich ("Officer Buckovich") owed Ms. Green various duties, including but not limited to the duty to use reasonable care in training and equipping Sgt. Ingram and in planning and supervising the forced entry into the apartment known as 1112-C Dove Street, in the City of Richmond, on Tuesday December 29, 1998.

8. Officer Buckovich breached the duties referenced in the foregoing paragraph in numerous ways, including but not limited to:

- a. Deciding to use frangible slugs as the breaching tool under the circumstances of the case (namely, to serve a search warrant on a small apartment that he should have known was occupied by 6 adults and 7 children). Available options included a ram or a pry bar.
- b. Failing to see that Sgt. Ingram did not commit the acts of negligence outlined below. Lt. Buckovich was head of the Police Academy and in charge of training the SWAT team. He was at the scene and, in fact, gave the signal to begin the raid that resulted in Ms. Green's death.
- c. Failing to see that Sgt. Ingram was properly trained. For example, not trained to aim at a 45 degree angle toward the jamb. See Document # 191 at page 490 (copy attached), stating, "Breaching rounds are fired into the door jamb . . . at a 45 degree angle...." In contrast, the Richmond lesson plan (Document # 109) makes no mention of the left/right aiming angle. For example, see Document # 109 at page 360 (copy attached).

**CUTHBERT  
AW OFFICES**

1 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4653

d. Failing to conduct appropriate surveillance, or to see that this was done, before the raid began.

9. In breaching these duties, Officer Buckovich was grossly negligent in that he showed such indifference to others, including Ms. Green, as to constitute an utter disregard of caution amounting to a complete neglect of the safety of another person, including Ms. Green.
10. The negligence described above in this Count evinced a conscious disregard for the rights of Ms. Green and/or criminal indifference to civil obligations owed to her.
11. As a direct and proximate result of the gross negligence described above, Ms. Green died.
12. By reason of the death of Ms. Green, the statutory beneficiaries have sustained the damages itemized in Va. Code § 8.01-52 (1-5).

Count 2

(Gross negligence of Sgt. Ingram)

13. The plaintiff incorporates by reference paragraphs one through five, above.
14. Ms. Green died as a direct and proximate result of one or more of five frangible rounds fired from a 12 gauge shotgun by the defendant George Ingram ("Sgt. Ingram"). See the statement of Sgt. Ingram, a copy of which is attached as Document #40, pages 138 and 139.
15. Sgt. Ingram thus fired the fatal round or rounds in an effort to make a forced entry into 1112-C Dove Street, in the City of Richmond (the "Apartment"), on Tuesday December 29, 1998.

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION  
NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3223  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

16. When Ms. Green collapsed due to the mortal wounds inflicted by Sgt. Ingram, she trapped her infant daughter Kevasha under her, and her own blood covered her trapped child. See Document #40, page 139, copy attached.
17. According to the report of the medical examiner, copy attached as Document #14, pages 82 through 96, the cause of Ms. Green's death was "shotgun wound of chest" caused by a "frangible 'breaching' round," and there were four entrance wounds in the right upper chest. See the attached copy of photograph #38, depicting these wounds. These wounds mark the entrance point of multiple frangible slug particles, fired by Sgt. Ingram, that perforated all lobes of Ms. Green's right lung, her esophagus, her aorta, the left lower lobe of her left lung, and her heart. Document # 14 at page 87. Postmortem toxicology was negative for alcohol, opiates, and cocaine. Document # 14 at page 87.
18. Sgt. Ingram owed Ms. Green various duties, including but not limited to the duty to use reasonable care in making forced entry into the Apartment.
19. Sgt. Ingram breached the duty described in the foregoing paragraph in numerous ways, including but not limited to:
- a. Aiming four of his five blasts in the gap between the deadbolt latch and the knob latch. See photograph #s 319 and 324, copies attached. These last four blasts did not aid in opening the door, nor could they. Instead, they merely jeopardized the occupants. This action by Sgt. Ingram violates the aiming instruction in Document # 109 at page 360, copy attached, stating "aim shotgun ...at the latchbolt...."

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
6 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3223  
(804) 733-3100  
\*  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
\*  
FACSIMILE  
(804) 732-4658

- b. Failing to check the target door after each of blasts one through four to determine if the next blast was likely to cut all the way through the door and, if so, to switch to a more conservative, less aggressive breaching tool (such as a ram or a pry bar). In this regard please note the statement of Michael R. Talbert in Document # 200 at page 515, copy attached, that "Through the holes in the [front] door, I saw at least two figures inside the apartment moving toward the stairs and another figure moving toward the kitchen." When the raid took place, the lights were "on" in the kitchen.
- c. Failing to turn the knob after each blast to see if the target door would open. Instead, between blasts Sgt. Ingram merely pushed the door with his left foot to see if it would open. Since none of his five blasts damaged the knob latch, it was highly unlikely that the door was going to open in response to the pressure of his left foot.
- d. Failing to aim the shotgun at a 45 degree down angle. See Document #109 at page 360, copy attached. Instead, trajectory testing indicates that Sgt. Ingram aimed at a down angle of 8 degrees to 32 degrees. See photographs #s 367 and 368 and Document #s 117 and 118, pages 379 and 380, copies attached.
- e. Failing to aim the shotgun at a 45 degree angle toward the jamb. See Document # 191 at page 490, copy attached, stating, "Breaching rounds are fired into the door jamb...at a 45-degree angle...." The Richmond lesson plan (Document #109) makes no mention of the left/right aiming angle. For example, see Document #109 at page 360, copy attached.

20. In breaching this duty, Sgt. Ingram was grossly negligent in that he showed such indifference to others, including Ms. Green, as to constitute an utter disregard of caution amounting to a complete neglect of the safety of another person, including Ms. Green.

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION  
NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
100 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4653

21. The negligence described above in this Count evinced a conscious disregard for the rights of Ms. Green and/or criminal indifference to civil obligations owed to her.
22. As a direct and proximate result of the gross negligence described above, Ms. Green died.
23. By reason of the death of Ms. Green, the statutory beneficiaries have sustained the damages itemized in Va. Code § 8.01.52 (1-5).

Count 3

(Breach of express warranties by Defense Technology)

24. The plaintiff incorporates by reference all paragraphs of this motion for judgment set forth above.
25. The defendant Defense Technology Corporation of America ( a Delaware corporation), and/or the defendant Defense Technology Corporation of America (together, "Defense Technology") sold the five 12 gauge frangible rounds (the "Frangible Rounds") that Sgt. Ingram shot at the kitchen door of 1112-C Dove Street on December 29, 1998, one or more of which killed Ms. Green (together, the "Frangible Rounds"). At all relevant times, the defendant Armor Holdings, Inc. controlled the actions of Defense Technology.
26. On or about April 18, 1997, the City of Richmond bought the Frangible Rounds from Defense Technology.
27. Attached as Document # 4 page 13 is an authentic copy of an invoice documenting the sale of forty-eight frangible rounds by Defense Technology to the City of Richmond.

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION  
NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3223  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658



28. The frangible rounds sold by Defense Technology to the City of Richmond, as documented by Document # 4, page 13, copy attached, included the Frangible Rounds.
29. Attached as Document # 5 pages 14 through 16 is an authentic copy of product literature supplied by Defense Technology to the City of Richmond as an inducement to buy the frangible rounds referenced in Document # 4 page 13, copy attached.
30. In selling the Frangible Rounds to the City of Richmond, Defense Technology made certain express warranties, including but not limited to the express warranty that the slug of the Frangible Rounds "disintegrates into a fine powder upon impact with the target," and that "[t]he only possible fragmentation would be from the target area rather than the slug itself." Document # 5 at page 15, copy attached.
31. The Frangible Rounds did not conform to the express warranties referenced above.
32. In depositions, Officer Buckovich testified as follows:

Q. Now look with me, please at 7 (d). With respect to the particular frangible slugs that killed Ms. Green, did it malfunction or was it defective in any way? If so, how?

**CUTHBERT  
AW OFFICES**  
PROFESSIONAL CORPORATION  
NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23503-3228  
(804) 733-3100  
•  
60 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

A. And this is obviously an opinion question on my part that based on the way the round is supposed to function, it is my opinion that it did malfunction because it is supposed to fragment upon contact with an object.

4:5 (b) (6) deposition of the City of Richmond Part 1 (Officer Buckovich testifying), 64.12 through 64.20. In addition, in depositions Eugene Provost, a forensics detective with City of Richmond, testified as follows:

Q. What is it about the specifications of the manufacturer that lead you to the conclusion that the frangible slug rounds fired by Sergeant Ingram resulted in Christie's Green's death malfunctioned or were defective?

A. I understood the rounds that Sergeant Ingram fired, do I feel that they were defective that contacted with Christie Green?

MS. BURTON: Okay.

A. The reason that I feel that they were defective, once they passed through the door, they should not have continued to stay whole. They should have been – even if they were fragmented, if they were fragmented, then they should be in a powder form not in a split in half or a fragmented form like a bullet. Once these come in contact with any type of surface that they pass through, there's – my indication from the manufacturer is that they're supposed to be powderize.

Q. Did you talk to the manufacturer or are you basing this on manufacturer's published specifications?

A. The manufacturer's published specifications.

4:5 (b) (6) deposition of the City of Richmond Part 2 (Detective Provost testifying), 95.3 through 96.1.

33. As a direct and proximate result of the breach of express warranties described above, Sgt. Ingram killed Ms. Green.

**CUTHBERT  
AW OFFICES**  
IDENTIFICATION CORPORATION  
NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
100 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

Count 4

(Breach of implied warranties by Defense Technology)

34. The plaintiff incorporates by reference all paragraphs of this motion for judgment set forth above.
35. Defense Technology made implied warranties to the City of Richmond that the Frangible Rounds were of merchantable quality and fit for their intended and ordinary use and for the general and particular purposes and uses for which they were designed, manufactured, marketed, distributed, and sold.
36. The Frangible Rounds did not conform to the implied warranties described above in this Count.
37. As a direct and proximate result of the breach of implied warranties described above, Sgt. Ingram killed Ms. Green.

Count 5

(Negligence by Defense Technology)

38. The plaintiff incorporates by reference all paragraphs of this motion for judgment set forth above.
39. Defense Technology designed, manufactured, packaged, marketed, distributed, delivered, sold, tested, inspected, and supplied the Frangible Rounds.
40. Defense Technology owed Ms. Green the duty to use reasonable care in designing, manufacturing, packaging, marketing, distributing, delivering, selling, testing, inspecting, supplying, instructing the City of Richmond and its employees (such as Officer Buckovich and Sgt. Ingram), and warning of any reasonably foreseeable hazards posed by the Frangible Rounds.

**CUTHBERT  
AW OFFICES**  
OFFICIAL CORPORATION  
NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3223  
(804) 733-3100  
100 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

41. Defense Technology breached the duties described above in this Count.
42. Defense Technology was negligent in breaching the duties described above in this Count, and in related ways.
43. The negligence described above in this Count evinced a conscious disregard for the rights of Ms. Green and/or criminal indifference to civil obligations owed to her.
44. As a direct and proximate result of the negligence described above, Sgt. Ingram killed Ms. Green.

WHEREFORE Leslie L. Green, administrator of the estate of Christie D. Green, demands judgment against Armor Holdings, Inc. (a Delaware corporation), Defense Technology Corporation of America (a Delaware corporation), Defense Technology Corporation of America, John B. Buckovich, and George Ingram, jointly and severally, in the amount of nine million and no/100ths dollars (\$9,000,000) compensatory damages, plus \$1,000,000 punitive damages, plus interest from December 29, 1998, and costs.

LESLIE L. GREEN, ADMINISTRATOR  
OF THE ESTATE OF CHRISTIE D. GREEN

By Charles H. Cuthbert, Jr. -  
Counsel

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
100 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
A Professional Corporation  
220 North Sycamore Street  
Petersburg, Virginia 23803

VIRGINIA:

## IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA

(a Delaware corporation),

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,

JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

Case No. LL-2806-4

ORDER

On September 30, 2003 came the parties, by counsel, on various motions. For the reasons stated from the bench, the Court rules as follows:

1. With respect to motion #1 (asking the Court to exclude certain evidence *in limine*):
  - a. The defense may not present evidence or argument that the plaintiff brought a claim against or sued the manufacturer (page 51 of the 9/30/03 transcript).
  - b. The defendants may mention any allegations that the plaintiff made against the manufacturer, to the extent that those allegations are inconsistent with claims that the plaintiff makes against the defendants (pages 51 and 52 of the 9/30/03 transcript).
  - c. The defendants may not present evidence or argument that Ms. Green was contributorily negligent or assumed the risk.

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

291

2. With respect to motion #2 (requesting leave to show the panel, during voir dire, plaintiff's Exhibits 19 and 20, one being a photograph showing Christie Green with Kevasha and another being a photograph showing Christie Green with DiQasha), the Court grants the motion.

3. With respect to motion #3 (asking the Court to reconsider and refine its decision dealing with drugs and guns, and also to rule *in limine* that evidence as to homicide suspects is not admissible), the Court denies the motion (page 53 of the 9/30/03 transcript).

4. As to the plaintiff's motion to exclude photographs of the guns and drugs, the Court prohibits mention of such evidence in opening statement. As to the admissibility of such evidence, the Court defers ruling until the defense offers such evidence at trial (page 54 of the 9/30/03 transcript).

5. With respect to motion #4 (dealing with the plaintiff's objections to the videotaped *de bene esse* deposition testimony of the defense expert witness Mr. Larry Beadles), the defendants withdrew excerpts 34:13 - 34:25 and 35:4 - 35:10. As to the balance of the proposed deposition testimony of Mr. Beadles, after the defendants have withdrawn these two excerpts, the Court denies the motion (page 53 of the 9/30/03 transcript).

6. With respect to evidence as to the incident on Afton Avenue earlier on December 29, 1998, involving the SWAT team, the Court prohibits mention of such evidence in opening statement. As to the admissibility of such evidence, the Court defers ruling until the defense offers such evidence at trial (page 60 of the 9/30/03 transcript).

7. With respect to the defense motion to edit defense exhibit #16 to delete reference to evisceration, the Court grants the motion (pages 46 and 47 of the 9/30/03 transcript).

**CUTHBERT  
LAW OFFICES**

PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658

8. With respect to the defense motion to exclude evidence that the front door was breached, the Court denies the motion but prohibits the plaintiff from presenting evidence as to whether or not the rounds disintegrated when shot at the front door (pages 53 and 54 of the 9/30/03 transcript).

11/8/2004  
Enter: 

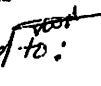
Judge Randall G. Johnson

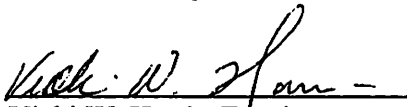
Date: \_\_\_\_\_

Seen and objected to:<sup>1</sup>



Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
Counsel for the plaintiff

SEEN: and objected to: 

  
Vicki W. Harris, Esquire  
Counsel for defendants

<sup>1</sup> The plaintiff objects to the following rulings, for the following reasons:

1. With respect to the Court's decision allowing the defendants to present evidence as to the plaintiff's allegations against the manufacturer, for four independent reasons, this decision is wrong. First, it is wrong because it allows the defendants to exploit a tactical advantage that exists only because this Court bifurcated the trial of the claims against the manufacturer from the trial of the claims against the two police officers. Because of bifurcation, there is now no attorney to stand before the jury and defend the #22 TKO. The same power that authorized this Court to bifurcate should likewise authorize this Court to bar the evidence in question. As the Supreme Court of Virginia recently noted:

a trial court must be cautious to insure that separating or consolidating claims for trial does not prejudice the substantial rights of any party.

*Allstate Insurance Co. v. Wade*, 265 Va. 383, 393, 579 S.E.2d 180, 185 (2003).

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

Second, it is wrong because a reasonable jury could not conclude from the evidence that the manufacturer's alleged breach of express warranties (Count 3), breach of implied warranties (Count 4), or negligence (Count 5) "so entirely supersede the operation of the defendant's negligence [that is, the negligence of Officers Buckovich and Ingram] that it [the manufacturer's alleged wrongs] alone, without the defendant's negligence contributing thereto in the slightest degree, produces the injury." (Attached is a copy of the motion for judgment.) *Coleman v. Blankenship Oil Corp.*, 221 Va. 124, 131, 267 S.E.2d 143, 147 (1980), stating:

In order to relieve a defendant of liability for his negligence, negligence intervening between the defendant's negligence and the injury "must so entirely supersede the operation of the defendant's negligence that it alone, without the defendant's (negligence contributing) thereto in the slightest degree, produces the injury." *Richmond v. Gay*, 103 Va. 320, 324, 49 S.E. 482, 483 (1905).

In this regard, along the time line of events, the alleged gross negligence of Officers Buckovich and Ingram co-existed with the alleged wrongs of the manufacturer: at most they combined to cause Sgt. Ingram's fatal shot. *Atkinson v. Scheer*, 256 Va. 448, 455, 508 S.E.2d 68, 72 (1998), a medical malpractice action, holding that the trial court erred in allowing evidence that another physician (who was not a party) was negligent, explaining:

Even though Dr. Wampler-Adams, just as Dr. Rothman in *Jenkins*, had the last opportunity to take acts which would have substantially increased the patient's probability of survival, Dr. Wampler-Adams' failure to act did not entirely sever the chain of proximate causation set in motion by Dr. Scheer's alleged negligence.

Third, it is wrong because a jury has concluded that the plaintiff's claims against the manufacturer are meritless. Please see the attached copy of the final order in the action against the manufacturer (Plaintiff's Exhibit 15.1). Fourth, it is wrong because the prejudicial effect of this evidence in question outweighs any probative value.

2. With respect to the Court's decision concerning the admissibility of evidence as to drugs, guns, and homicide suspects found within the apartment after Sgt. Ingram killed Christie Green, such evidence is not relevant to prove either gross negligence or the plaintiff's entitlement to punitive damages. Hence, it is not relevant. In this regard, the plaintiff incorporates by reference the argument given orally at the hearing held September 30, 2003, as well as in her corresponding motion #3. Furthermore, evidence found (or not found) after Sgt. Ingram fired the fatal shot is not probative of the care (or lack of care) with which the defendants acted. *Griffin v. Shively*, 227 Va. 317, 321, 315 S.E.2d 210, 213 (1984) ("Willful and wanton negligence is acting consciously in disregard of another person's rights or acting with reckless indifference to the consequences, with the defendant aware, from his knowledge of existing circumstances and conditions, that his conduct probably would cause injury to another.") (Emphasis added). *Cf. Jackson v. Chesapeake & Ohio Ry. Co.*, 179 Va. 642, 649, 20 S.E.2d 489, 492 (1942), stating:

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION  
20 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658



"Accordingly, in actions for negligence the courts generally deny the admissibility of evidence of the reputation of the defendant for negligence, his habits of negligence, his habitual negligent conduct, etc., upon the issue of his negligence at the time of the injury complained of." (Emphasis added.)

Please note that the plaintiff stipulates that, when Sgt. Ingram fired the fatal shot, the defendants had a good faith basis to believe that there were illegal drugs, guns, and homicide suspects in the apartment. In the alternative, the prejudicial effect of such evidence outweighs any probative value. This evidence prejudices Ms. Green in two ways: first, it tends improperly to validate, retrospectively, the gross negligence of the defendants; and second, it improperly taints Ms. Green with "guilt by association."

**CUTHBERT  
LAW OFFICES**

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100

FACSIMILE  
(804) 732-4658

VIRGINIA:

12/12/03 revision

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

Case No. LL-2806-4

DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA  
(a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,  
JOHN B. BUCKOVICH,  
and GEORGE INGRAM,

Defendants.

ORDER

On September 25, 2003 came the parties, by counsel, on various motions filed by the plaintiff. For the reasons stated from the bench, the Court rules as follows:

1. With respect to motion #1 sub-part #1 (dealing with evidence as to collateral sources), the Court grants the motion and forbids the defense from attempting to convey any of the following to the jury in any manner, either directly or indirectly:

- a. Katina Green, aunt of the two statutory beneficiaries, has adopted Kevasha.
- b. Katina Green is an excellent surrogate mother to Kevasha.
- c. The amount of compensation earned by Katina Green at her job.
- d. Kevasha is covered by Medicare.
- e. Katina Green is receiving General Relief on account of Kevasha.

**CUTHBERT  
LAW OFFICES**  
A PROFESSIONAL CORPORATION  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

- f. Dollnice Skipper, a family friend to whom Christie Green gave temporary custody of DiQasha Green (the other statutory beneficiary), is an excellent surrogate mother to DiQasha.
- g. The amount of compensation earned by Dollnice Skipper at her job.
- h. DiQasha is covered by health insurance earned by Dollnice Skipper through her job.

2. With respect to motion #1 sub-part #2 (dealing with certain facts surrounding the death of Christie Green, including drugs and guns), the plaintiff withdraws her objection to evidence that, during the raid, someone fired three pistol shots from inside the apartment. As to the balance of this motion, the court denies it.

3. As to motion #1 sub-part #3 (dealing with the incident involving Kevin Jones earlier on December 29, 1998), the court grants the motion and prohibits the defense from introducing evidence or making argument that Kevin Jones was wanted or arrested for murder and the circumstances surrounding his arrest, including but not limited to evidence or argument of a separate SWAT team raid earlier on December 29, 1998 at another apartment where Ms. Green was present, and that the purpose of such earlier raid was to arrest Mr. Jones for murder.

4. With respect to motion #1 sub-part #s 4 and 5 (dealing with the admissibility of excerpts from expert witness disclosures previously filed by the plaintiff), the Court withholds any ruling pending development of other evidence at trial. In the meantime, the defense may not make mention of any such disclosures without first approaching the bench and obtaining leave.

5. With respect to motion #1 sub-part #6 (dealing with whether the defendants may claim that the #22 TKOs fired by Sgt. Ingram allegedly malfunctioned), the Court prohibits all lay defense witnesses and parties from stating any such conclusion (such conclusion invading the

**CUTHBERT  
LAW OFFICES**  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

province of the jury), but allows defense counsel to argue to the jury that the #22 TKOs did indeed malfunction.

6. With respect to motion #1 sub-part #7 (dealing with evidence or argument that the #22 TKOs with a red hull have different performance characteristics than those with a silver hull), the Court grants the motion.

7. With respect to motion #2 (dealing with the editing of transcripts of the deposition testimony of various witnesses), the Court notes that the parties have resolved all differences except for those dealing with the deposition given by Jimmy Trahin on August 25, 2003. With respect to such deposition testimony of Mr. Trahin, the Court sustains the defense objection to the use of this deposition, with leave to the plaintiff to present authorities and argument at a later time in support of the admissibility of this deposition testimony.

8. With respect to motion #3 (asking for leave to use certain software to present video testimony), the Court denies the motion.

9. With respect to motion #4 (asking the Court to require both parties to submit their proposed voir dire questions in advance), the Court denies the motion.

11/9/2004  
Enter: 

Judge Randall G. Johnson

Date: \_\_\_\_\_

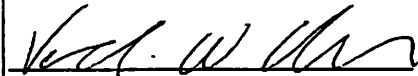
**CUTHBERT  
LAW OFFICES**  
APPROPRIATELY LICENSED  
220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
•  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
•  
FACSIMILE  
(804) 732-4658

Seen and objected to:<sup>1</sup>



Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadbus  
Cuthbert Law Offices  
Counsel for the plaintiff

SEEN; AND OBJECTED TO:



Vicki W. Harris, Esquire  
Counsel for defendants

<sup>1</sup>With respect to the Court's decision concerning the admissibility of evidence as to drugs, guns, and homicide suspects found within the apartment after Sgt. Ingram killed Christie Green, such evidence is not relevant to prove either gross negligence or the plaintiff's entitlement to punitive damages. Hence, it is not relevant. In this regard, the plaintiff incorporates by reference the argument given orally at the hearing held September 30, 2003, as well as in her corresponding motion #3. Furthermore, evidence found (or not found) after Sgt. Ingram fired the fatal shot is not probative of the care (or lack of care) with which the defendants acted. Please note that the plaintiff stipulates that, when Sgt. Ingram fired the fatal shot, the defendants had a good faith basis to believe that there were illegal drugs, guns, and homicide suspects in the apartment. In the alternative, the prejudicial effect of such evidence outweighs any probative value. This evidence prejudices Ms. Green in two ways: first, it tends improperly to validate, retrospectively, the gross negligence of the defendants; and second, it improperly taints Ms. Green with "guilt by association." Ms. Green repeats her request that, if the Court allows this evidence, the Court give a limiting instruction telling the jury the only purposes for which the jury may consider this evidence.

Virginia:

*In the Circuit Court of the City of Richmond, John Marshall Courts Building*

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN

Plaintiff

v.

LL-2806-4

JOHN B. BUCKOVICH,  
GEORGE INGRAM,  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA (a Delaware corporation),  
and DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA,  
ARMOR HOLDINGS INC.

Defendants

O R D E R

On January 22, 2004, again came the parties, in person and/or by counsel, and also the jury pursuant to its adjournment of the previous day.

Whereupon, the jury again returned to their room and after some time returned into court and announced that they were hopelessly deadlocked and could not reach a verdict.

Counsel for defendant Ingram renewed her motion to strike the evidence of the plaintiff, which motion was sustained, and to which ruling of the court counsel for the plaintiff objected.

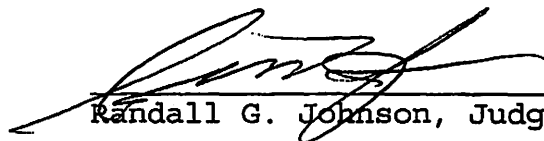
It is, therefore, ORDERED that the plaintiff take nothing and that judgment be entered in favor of the defendants, plus costs.

428

A copy of this order was mailed this day to counsel of  
record.

ENTER

1/24/2004

  
Randall G. Johnson, Judge

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF RICHMOND

KATINA GREEN, ADMINISTRATOR OF  
THE ESTATE OF CHRISTIE D. GREEN,

Plaintiff,

v.

Case No. LL-2806-4

JOHN B. BUCKOVICH,  
GEORGE INGRAM,  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA (a Delaware corporation),  
DEFENSE TECHNOLOGY CORPORATION  
OF AMERICA, and  
ARMOR HOLDINGS, INC.  
(a Delaware corporation),

Defendants.

ORDER

On motion of the plaintiff, the Court hereby authorizes the court reporter Rhonda Montgomery, when preparing the trial transcript, to incorporate by reference the following transcripts of video depositions that the plaintiff presented to the jury as part of her case in chief:

1. Transcript of excerpts from the video deposition of George Ingram given 10/14/99, copy attached.
2. Transcript of excerpts from the video deposition of John B. Buckovich given 6/27/00, copy attached.

Ms. Montgomery shall incorporate these transcripts by reference by stating the following in the trial transcript and by attaching to the trial transcript a copy of this order, along with a copy of these two transcripts:

**CUTHBERT  
LAW OFFICES**  
120 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100  
700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658



"Please see the attached transcript of the videotaped testimony of this witness which, by order of the court, copy attached, is made a part of this trial transcript."

The Court notes that it was with the permission of the Court that, during the trial, Ms. Montgomery did not record this videotaped testimony as these two videotapes were presented to the jury.

2/5/2004

Enter:

Judge Randall G. Johnson

Date:

I ask for this:



Charles H. Cuthbert, Jr.  
Margaret Cuthbert Broadus  
Cuthbert Law Offices  
Counsel for plaintiff

Seen and agreed:



Beverly A. Burton, Esquire  
Counsel for John B. Buckovich and George Ingram

**CUTHBERT  
LAW OFFICES**  
PROFESSIONAL CORPORATION

220 NORTH SYCAMORE STREET  
PETERSBURG,  
VIRGINIA 23803-3228  
(804) 733-3100

700 EAST MAIN STREET  
SUITE 1601  
RICHMOND,  
VIRGINIA 23219  
(804) 643-3100  
FACSIMILE  
(804) 732-4658

Issues Report [Green v. Buckovitch]

• designation of deposition

[4:1] - [4:2]

10/14/1999 Sgt. Ingram

• designation of deposition

page 3

25

page 4

1

GEORGE J. INGRAM

2

was duly sworn and testified as follows:

3

[4:13] - [4:15]

10/14/1999 Sgt. Ingram

• designation of deposition

page 4

12 A Yes, sir.

13 Q Would you please state for the record your  
14 name, sir?

15 A My name is George James Ingram.

16 Q And your date of birth?

[4:20] - [5:16]

10/14/1999 Sgt. Ingram

• designation of deposition

page 4

19 A 517-68-6350.

20 Q You are employed by the Department of  
21 Police for the City of Richmond; is that correct?

22 A Yes, sir, I am.

23 Q And for how long have you been employed by  
24 the Department of Police for the City of Richmond?

25 A Twenty-two plus years.

page 5

1 Q And what is your current job title or  
2 position with the Department of Police for the City  
3 of Richmond?

4 A I'm a sergeant assigned to field services.

5 Q And for how long have you held that rank  
6 and position?

7 A The rank has been approximately three  
8 years now and I've been in field services the whole  
9 time.

10 Q What does field services mean?

11 A Patrol division.

12 Q I want to ask you to turn your thoughts to  
13 the raid on December 29, 1998 at 1112 C Dove  
14 Street, Richmond, Virginia. Do you remember that  
15 raid?

16 A Yes, sir, I do.

17 Q When the raid began, what did you

[8:1] - [11:8]

10/14/1999 Sgt. Ingram

• designation of deposition

page 7

25 warrant.

page 8

1 Q As your part in the raid were you the  
2 person in charge with the task of breaching the  
3 kitchen door?

4 A Yes, sir, I was.

5 Q And is that the way you would describe  
6 your function in this raid?

7 A I was a breacher, yes, sir.

8 Q And you were the breacher for the kitchen  
9 door, correct?

Issues Report [Green v. Buckovitch]

• designation of deposition

10 A For the kitchen door, yes, sir.  
11 Q Now, when the raid began, what did you  
12 understand to be your assignment once you succeeded  
13 in breaching the kitchen door?  
14 A My assignment would be to fall back into  
15 the number three position on the three man team  
16 that was assigned to go in that door and we were  
17 just to post up at that door, we weren't even to  
18 enter the building.  
19 Q So you were part of a three person team to  
20 breach the door; is that correct?  
21 A Yes, sir.  
22 Q And you were the breacher in that three  
23 man team; is that correct?  
24 A Yes, sir.  
25 Q And who were the other two members of that

page 9

1 team and what were their functions?  
2 A Number one man in that team was Tim  
3 Degrawe and he was a shield man and he had the  
4 ballistic shield that would be protecting other  
5 people on the team. And the number two man who was  
6 also the team leader was Sergeant Jack King and he  
7 would direct the team, and I was the number three  
8 man plus being the breacher.  
9 Q So once you breached the door, were your  
10 functions fulfilled for purposes of this raid?  
11 A We would breach the door and secure the  
12 kitchen visually and any individuals that might be  
13 in the kitchen.  
14 Q What do you mean secure the kitchen  
15 visually?  
16 A If we looked in and saw no one inside the  
17 kitchen, which was a very small room, that's where  
18 we would stay unless called up by the structure  
19 commander to assist anywhere else in the building.  
20 Q And what if there were individuals inside  
21 the kitchen, what did you understand your role to  
22 be with respect to those individuals as of the time  
23 that the raid began?  
24 A We would place them. We would secure  
25 them. We would place them on the ground and secure

page 10

1 them until the raid was finished.  
2 Q Before firing the first round in the raid  
3 that resulted in Ms. Green's death, did you know  
4 the composition of the door that was to be your  
5 target, whether it was wooden or metal or solid or  
6 hollow?  
7 A From our intelligence the door looked to  
8 be a wooden door. We couldn't tell if it was a  
9 hollow core door or a solid wooden door, but it  
10 looked to be metal.  
11 Q Excuse me, it looked to be metal?  
12 A I'm sorry, it looked to be wood, but we  
13 weren't sure if it was a solid wooden door or a  
14 hollow core door.  
15 Q And when did you first realize that it  
16 looked to be a wooden door, did you know that  
17 before you arrived at the premises?  
18 A When I approached the door. It was a  
19 wooden door. It was obvious it was a wooden door.  
20 Q Before you arrived on the premises, did  
21 you have any information one way or the other as to  
22 the composition of the door that was to be your  
23 target?  
24 A It appeared that it was, probably through  
25 the intelligence gathering, they said it appeared

page 11

Issues Report [Green v. Buckovitch]

• designation of deposition

1 to be a wooden door, but 100 percent sure we didn't  
2 know what kind of door it was until we got right  
3 there.

4 Q So when you left to begin this raid, you  
5 anticipated that it would be a wooden door that you  
6 would be breaching but you weren't sure of that, is  
7 that a fair statement?

8 A Yes, sir, that's a fair statement.

9 Q Before you fired the first frangible --

[11:10] - [11:16]

10/14/1999 Sgt. Ingram

• designation of deposition

page 11

9 Q Before you fired the first frangible --  
10 well, let me go back. After you got on the scene,  
11 you confirmed visually that it was a wooden door  
12 that was to be your target; is that correct?

13 A Yes, sir.

14 Q And you did that before you fired the  
15 first round; is that correct?

16 A Correct.

17 Q Before you fired the first frangible round

[12:25] - [13:11]

10/14/1999 Sgt. Ingram

• designation of deposition

page 12

24 A Not that I recollect.

25 Q Now, what about the lock, before you fired

page 13

1 the first round in this raid on December 29, 1998,  
2 what did you determine to be the nature of the lock  
3 that was on that door?

4 A As we approached the door we looked, there  
5 was a door knob that didn't appear to have any  
6 lock, exterior key lock and associated with that  
7 was a dead bolt lock. It looked like a standard,  
8 typical dead bolt lock that was associated with it.  
9 As with our procedures I tried the door knob just  
10 to make sure that the door was locked and not open.  
11 I did that and I went from there with my breaching.

12 Q Now the dead bolt lock was above the knob;

[13:16] - [13:22]

10/14/1999 Sgt. Ingram

• designation of deposition

page 13

15 it was above the lock.

16 Q And you determined visually that the knob  
17 itself had no locking mechanism to it, it was just  
18 a knob without a lock?

19 A A standard door knob, that's what it  
20 appeared to me at the time. I reached over and  
21 tried to turn it, it was free turning but the door  
22 was locked.

23 Q At any point did you examine that knob

[14:2] - [15:17]

10/14/1999 Sgt. Ingram

• designation of deposition

page 14

1 A No, sir, I did not.

2 Q Before you arrived outside the kitchen  
3 door on the night of this raid, what did you know  
4 about the height of the lock above the surface on

Issues Report [Green v. Buckovitch]

• designation of deposition

5 which you had to stand in order to shoot out the  
6 lock?  
7 A Intelligence said that it looked like a  
8 standard lock and door knob which means it would be  
9 a standard, such as on this door here, would be a  
10 standard height lock. It didn't appear to be high  
11 or low, just a standard door knob and locking  
12 system.  
13 Q And before that raid began -- before you  
14 arrived at the scene that night, what information,  
15 if any, did you have as to whether the apartment  
16 was on a slab that was above the surface on which  
17 you would have to stand in order to shoot at the  
18 lock?  
19 A The question was asked whether or not we  
20 had steps either at the front door or the back  
21 door. I asked about the back door. Our  
22 intelligence said there were no steps leading into  
23 the back door. That was the only intelligence that  
24 I had as far as any steps or slabs or any height  
25 differential.

page 15

1 Q So before you arrived at the apartment on  
2 the night of this raid, you thought that the level  
3 on which you would stand would be the same level as  
4 the level of the floor inside?

5 A Normally when you step into buildings  
6 they're never that level because buildings are  
7 stepped up and if you don't have a step on the  
8 outside there might be a short stoop, which I  
9 believe that this place had, a three or four inch  
10 stoop. You're always going to have that going into  
11 a structure.

12 Q So the fact that the apartment in this  
13 case was on slab that was elevated a bit above the  
14 surface on which you had to stand, that did not  
15 surprise you, did it?

16 A No, sir, that's normal for going into a  
17 structure.

18 Q Before you fired the first round in

[16:11] - [16:23]

10/14/1999 Sgt. Ingram

• designation of deposition

page 16

10 A Yes, sir.

11 Q How about the layout, what information did  
12 you have as to the layout of that first floor of  
13 this apartment before the raid began?

14 A The layout, as I recall from my part of  
15 the raid, was that we had the front door which led  
16 into a living room, small living room with a  
17 hallway and steps going upstairs that would be on  
18 your right-hand side as you came through the door.  
19 The living room, as you went through the front door  
20 off to your left side would be the entrance to the  
21 kitchen where the door that we were coming in came  
22 into the kitchen would be the general layout of the  
23 first floor.

24 Q In connection with this raid, once you got

[17:4] - [17:11]

10/14/1999 Sgt. Ingram

• designation of deposition

page 17

3 not immediately enter the apartment.

4 Q At any time before you left the apartment  
5 that night did you enter it?

Issues Report [Green v. Buckovitch]

• designation of deposition

6 A Yes, sir.  
7 Q Did you go into the living room/dining  
8 room area as well as into the kitchen area?  
9 A No, sir, I was in the kitchen the whole  
10 time. I was in the kitchen and I left through the  
11 kitchen door.  
12 Q So at any time on the night of December

[27:5] - [28:8]

10/14/1999 Sgt. Ingram

• designation of deposition

page 27

4 between -- excuse me. Subject to that objection,  
5 tell me everything that you remember doing in the  
6 interval of time between the time when you arrived  
7 at 1112 C Dove Street on December 29, 1998 and the  
8 time when you fired the first round at the kitchen  
9 door?

10 A When we arrived the teams split off, the  
11 front team going to the front door, the rear team  
12 going to the rear door. We approached the rear  
13 door is set up in our team and I waited for the  
14 command to breach.

15 Q And is there anything that you remember  
16 doing in that interval other than waiting for the  
17 command to breach?

18 A No, sir, we approached, took up my  
19 position and waited for the command to breach.

20 Q You tried the door knob?

21 A That's after I was told to breach.

22 Q Describe for me, please, the weapon that  
23 you used to fire the five shells that you fired in  
24 the raid that we've been talking about?

25 A It is a Remington 870 that's been

page 28

1 modified, it has a rifle sight with a 0 ring scope  
2 and a light kit.

3 Q And is it a pump action?

4 A Yes, sir.

5 Q And what is the length of the barrel?

6 A I'm not sure the exact length of the  
7 barrel on that weapon. It is a shortened barrel,  
8 but I'm not sure of the exact length.

9 Q Is it the standard shortened length of

[31:17] - [35:18]

10/14/1999 Sgt. Ingram

• designation of deposition

page 31

16 A Comparable.

17 Q How did you know when to try that door  
18 knob?

19 A That's a standard procedure we do on all  
20 doors when we come up to a door, for all breachers.

21 Q But you did not do that until you'd  
22 received the signal to begin, is that correct?

23 A Correct.

24 Q And how did you receive that signal to  
25 begin?

page 32

1 A My team leader says move or breach, and  
2 that night I believe he said move. We waited --  
3 there was a signal. We waited for an external  
4 signal and that was for a window being broken out.

5 Q Did you hear the window being broken out  
6 yourself?

7 A Yes, I did.

8 Q And then what's the next thing that you

Issues Report [Green v. Buckovitch]

• designation of deposition

9 heard?  
10 A Move.  
11 Q And who said that, Sergeant King?  
12 A Jack King, yes.  
13 Q And was there any appreciable lapse of  
14 time between the time when you heard the window  
15 break and the time when Sergeant King said move?  
16 A They were almost at the same time.  
17 Q And was there any significant delay on  
18 your part between the time when Sergeant King said  
19 move and the time when you tried that door knob?  
20 A No, sir, it was very immediate.  
21 Q And what did you do next after trying the  
22 door knob and finding that it turned but that the  
23 door did not open?  
24 A I began my breaching technique.  
25 Q And what exactly did that involve?  
page 33  
1 A That involved me shooting the frangible  
2 rounds at the locking system on the door.  
3 Q Now, just before you fired -- excuse me.  
4 Altogether, how many shots did you fire at the  
5 kitchen door that night?  
6 A Five.  
7 Q Now, just before you fired the first shot  
8 at the kitchen door, was the door intact? Was  
9 there any hole in the door?  
10 A No, sir.  
11 Q And in connection with the first load that  
12 you fired at the door, at what point of the door  
13 did you point the barrel of the shotgun?  
14 A The sights were placed on the lock, the  
15 area between the dead bolt lock and where the frame  
16 is there's a small area that's exposed and that's  
17 the area that we shot at.  
18 Q And why is it that you shot at that area  
19 between the dead bolt lock and the frame?  
20 A That's where the throw goes into the frame  
21 from the lock.  
22 Q So you were shooting at the throw, the  
23 dead bolt throw for that first shot, correct?  
24 A Correct.  
25 Q And what was the approximate angle between  
page 34  
1 the line of the barrel and the plane of the door  
2 when you fired that first breaching load?  
3 A As far as angle, do you mean up, down,  
4 right, left?  
5 Q Yes.  
6 A Optimally you try to get somewhere close  
7 to a 45 degree angle, but generally you want a  
8 downward angle on it and the way most doors are  
9 you're pretty much going to be in a downward angle  
10 on the frame.  
11 Q And why is it that you generally want a 45  
12 degree downward angle?  
13 A That's the way we train and the philosophy  
14 being that when the shot lock or the frangible  
15 round hits the lock, you want to take the debris of  
16 the throw and any wood debris and have it fall  
17 downwards inside the structure.  
18 Q And why is that?  
19 A Just to prevent any injuries if it should  
20 occur, if you should throw a dead bolt or  
21 splinters. It's just an added safety feature.  
22 Q So it's out of concern for the safety of  
23 the individuals inside the unit that you attempt to  
24 aim downward at a 45 degree angle, is that correct?  
25 A Yes, sir.

Issues Report [Green v. Buckovitch]

• designation of deposition

page 35

1 Q And in connection with that first  
2 breaching load that you fired that night, did you  
3 get the barrel of the shotgun down to 45 degrees?  
4 A I wouldn't be able to tell you -- stand up  
5 here and tell you if I'm shooting 45 degrees is  
6 what we say in training, what we attempt to do in  
7 training. I couldn't tell you if I was at 45  
8 degrees that night or close to 45 degrees. I  
9 didn't have an instrument measuring, but I was at a  
10 good downward slope and I was pointing downward.  
11 Now whether it was at an exact 45 degree angle, I  
12 couldn't tell you that.  
13 Q What is your best estimate as to what that  
14 downward angle was when you fired the first shot?  
15 A Again, it was at a good downward angle and  
16 I wouldn't be able to estimate whether it was 60 or  
17 50 or 40 degrees, I wouldn't be able to estimate  
18 that.  
19 Q Do you think it was more than 45?

[36:10] - [37:25]

10/14/1999 Sgt. Ingram

• designation of deposition

page 36

9 answered that.  
10 Q When you fired that first breaching load,  
11 what was the distance between the end of the barrel  
12 and the surface of the door?  
13 A Approximately three and a half to four  
14 inches gap, maybe six inches at most.  
15 Q Was that by design?  
16 A That's what I intended, yes, sir.  
17 Q And why did you intend that?  
18 A Well, it gives me room to maneuver the  
19 barrel and prevent any back blast on myself or the  
20 people behind me.  
21 Q How did you hold that shotgun in  
22 connection with that first breaching load that you  
23 fired?  
24 A It's a shoulder mounted weapon, it was in  
25 my shoulder and in the proper firing position with  
page 37

1 my eyes lined on the sights.  
2 Q And what was the kick like?  
3 A Comparable to shooting a shotgun, a 12  
4 gauge.  
5 Q Now, just before you fired the second  
6 breaching load, was there a hole in the door?  
7 A Could you say again?  
8 Q Just before you fired the second of the  
9 five breaching loads, was there a hole in the door?  
10 A Yes, sir, there was.  
11 Q You saw the hole visually?  
12 A I shot and checked after each shot, yes,  
13 sir, I saw the hole visually.  
14 Q And how big was that hole?  
15 A The hole is about the size that a 12 gauge  
16 would make, maybe quarter size or less, something  
17 like that.  
18 Q So after the first shot you realized that  
19 the breaching load had penetrated the door,  
20 correct?  
21 A Penetrated the door right where the throw  
22 was, about the location of the throw, or where the  
23 throw is. You can't see the throw obviously when  
24 the door is locked, but approximately where the  
25 throw is.



Issues Report [Green v. Buckovitch]

• designation of deposition

page 38

1 Q Did you attempt to look through that

[38:8] - [38:18]

10/14/1999 Sgt. Ingram

• designation of deposition

page 38

7 looking through a hole.

8 Q Just before you fired the second breaching  
9 load, where did you point the barrel of the  
10 shotgun?

11 A It was pointed below the original location  
12 where I had shot.

13 Q And why did you point it below the  
14 original location where you shot the first time?

15 A The door hadn't come opened, hadn't swung  
16 open on the first shot and how you work this is you  
17 shoot, you look, you shoot, you look, working in a  
18 pattern to clear it where the throw would be.

19 Q So you fired the first breaching round?

[42:2] - [42:14]

10/14/1999 Sgt. Ingram

• designation of deposition

page 42

1 stoop down and look through a hole, no, sir.

2 Q Now, when you fired the second round, what  
3 was the approximate angle between the line of the  
4 barrel and the plane of the door?

5 A Similar to the first shot. There  
6 obviously would be a little bit of difference, but  
7 it would be similar to the first shot.

8 Q Why would it obviously be a little bit of  
9 difference?

10 A Because I would be working my way down so  
11 the angle would obviously change as you're working  
12 your way down.

13 Q And how would it change?

14 A Inch at a time maybe.

15 Q So is it your recollection that when you

[43:11] - [44:11]

10/14/1999 Sgt. Ingram

• designation of deposition

page 43

10 steeper.

11 Q Yes, the angle would become steeper as you  
12 went down?

13 A Correct, sir.

14 Q So on the night of this raid, was the most  
15 steep shot that you fired the last one?

16 A It would be, yes, sir.

17 Q And the least steep shot was the first  
18 one?

19 A Correct, sir.

20 Q And the others in between became  
21 progressively steeper as the number of shots  
22 increased, is that correct?

23 A Yes, sir.

24 Q And in connection with that second load  
25 that you fired, what was the approximate distance

page 44

1 between the end of the barrel and the surface of  
2 the door?

3 A All about the same from the first one.

4 Q Is that true for all five of these shots?

5 A All five of the shots were about the same.

Issues Report [Green v. Buckovitch]

• designation of deposition

6 Q And for all five shots was the butt of the  
7 shotgun at your shoulder?  
8 A Yes, sir.  
9 Q And for all five of the shots was the kick  
10 of the shotgun approximately the same?  
11 A Yes, sir.  
12 Q And was there anything unusual about the

[44:16] - [47:20]

10/14/1999 Sgt. Ingram

• designation of deposition

page 44

15 A No, sir.  
16 Q Now, after you fired that second breaching  
17 load and before you fired the third one, were there  
18 two holes in the door at that point?  
19 A Yes, sir, there were.  
20 Q And where were they and how big were they?  
21 A Again, I would say approximately quarter  
22 size and they were contiguous, one on top of each  
23 other, maybe a little off angle, but they were  
24 right below the first one.  
25 Q And did you look to see whether any light

page 45

1 was coming through the door at that point?  
2 A No, sir, I stopped, checked the door and  
3 it was not open and so I continued my breaching  
4 technique.  
5 Q What do you mean when you say you stopped  
6 and checked the door and the door was not open?  
7 A When you hit these throws right, sometimes  
8 it takes two and sometimes it take five shots, the  
9 door will come open, you'll knock the throw out,  
10 and it wasn't open at that time.  
11 Q So did you do anything else between the  
12 time of the second shot and the time of the third  
13 shot other than look at the door to see whether it  
14 was opened?  
15 A No, sir.  
16 Q Not a thing in the world?  
17 A No, sir. Did my first shot, checked.  
18 Second shot, checked. Third shot, checked and so  
19 on.  
20 Q And when you say checked, it's a visual  
21 check, correct?  
22 A It's called a visual and toe check is what  
23 we do.  
24 Q A visual and what?  
25 A A visual and toe check is the technique.

page 46

1 Some breachers use their hands, I use my toes.  
2 Between shots I reach up and I tap the door with my  
3 foot to see if it will spring open.  
4 Q And other than touching the door with your  
5 foot in between these five shots, did you come in  
6 contact with the door or the door hardware?  
7 A No, sir.  
8 Q You didn't touch the door or the door  
9 hardware except with your toe, is that correct?  
10 A Correct, bottom of the door. To explain  
11 it so there won't be any confusion here, you shoot,  
12 you stop, you do a visual check and you just kind  
13 of nudge it with your toe and then you realign,  
14 shoot. And it's not a thing that you're doing  
15 instantaneously, you're purposely doing it because  
16 you're trying to be accurate here and you're trying  
17 to breach the door safely and get in.  
18 Q Now, after the second shot the door was

Issues Report [Green v. Buckovitch]

• designation of deposition

19 still closed, correct?  
20 A Yes, sir.  
21 Q And you pushed on it with your foot and it  
22 did not open, correct?  
23 A Correct.  
24 Q And is there anything else you did between  
25 the second and third shots?  
page 47  
1 A It was the same technique through all the  
2 shots.  
3 Q So you did nothing else between the second  
4 and third shot?  
5 A Did a visual check and then a little toe  
6 nudge and then just continued on.  
7 Q Now, just before you fired the fourth  
8 breaching load, how many holes were there in the  
9 door?  
10 A Three.  
11 Q And were they each separate holes, or did  
12 they start to kind of bleed together?  
13 A They started to bleed together, one, two  
14 and then it was starting to take pieces out of the  
15 area of the lock.  
16 Q What do you mean out of the area of the  
17 lock?  
18 A Well, where the dead bolt is, the area  
19 that I was aiming at, the area between the dead  
20 bolt and the frame where the door is exposed.  
21 Q But the second and third shots were below

[48:4] - [53:6]

10/14/1999 Sgt. Ingram

• designation of deposition

page 48  
3 five.  
4 Q So they were basically vertical?  
5 A Vertical, more or less vertical, yes, sir.  
6 Q And so no one shot was beside another  
7 shot?  
8 A No, sir.  
9 Q And just before you fired the fourth  
10 breaching load, were you able to see light through  
11 the door?  
12 A I don't recall, sir. I did a visual check  
13 and I don't recall light coming through the door.  
14 Q You did a visual check to see whether the  
15 door was open, correct?  
16 A Correct, but I don't recall light coming  
17 through at that time.  
18 Q Did you do a visual check to determine  
19 whether light was coming through the door between  
20 the third and the fourth shots?  
21 A No, sir.  
22 Q And in connection with that fourth shot,  
23 your barrel was below the hole that you made with  
24 the third shot; is that correct?  
25 A Correct.  
page 49  
1 Q And it was at a little bit steeper angle  
2 than the angle at which you fired the third shot,  
3 correct?  
4 A Correct.  
5 Q Do you think at that point you were down  
6 to 45 degrees in terms of an angle?  
7 A I don't know, sir.  
8 Q And again, the distance between the end of  
9 the barrel and the surface of the door in  
10 connection with that fourth shot was three or four

Issues Report [Green v. Buckovitch]

• designation of deposition

11 inches?  
12 A Correct.  
13 Q And again, the shotgun was at your  
14 shoulder?  
15 A Correct.  
16 Q Did you have any difficulty firing at that  
17 angle when you fired the fourth shot with the butt  
18 of the shotgun on your shoulder?  
19 A No, sir.  
20 Q Did you have to stand on tiptoe?  
21 A No, sir.  
22 Q At any time that night in connection with  
23 any of the five rounds did you have to stand on  
24 tiptoe?  
25 A Not during firing, no, sir.

page 50

1 Q At any time that night did you stand on  
2 tiptoe in connection with this raid?  
3 A No, not on tiptoe. When I had to nudge  
4 the door, I had to bring my left foot up to touch  
5 the door and come back down, but I wasn't on  
6 tiptoe, no, sir.  
7 Q Now, just before you fired the fifth  
8 breaching round, was there any light coming through  
9 the door?  
10 A I don't recall, sir.  
11 Q And again, that fifth place that you aimed  
12 was below the first four shots that you put in the  
13 door, correct?  
14 A Correct.  
15 Q And so again, the angle was steeper than  
16 the angle for the first four shots when you fired  
17 the fifth, correct?  
18 A Yes, sir.  
19 Q And again, we're talking about three to  
20 four inches away from the door for that fifth  
21 breaching load?  
22 A Yes, sir.  
23 Q And the butt of the shotgun was at your  
24 shoulder, correct?  
25 A Correct.

page 51

1 Q And on all these the kick was essentially  
2 the same, correct?  
3 A Correct.  
4 Q And nothing out of the ordinary, nothing  
5 from what you would expect?  
6 A No, sir.  
7 Q Now, in the interval between the first and  
8 the second shots, about how much time passed?  
9 A It would be fairly quick. You shoot,  
10 check, shoot, check, shoot, check. It's fairly  
11 deliberate. I mean it's not like we count seconds  
12 between shots, as long as you complete the task as  
13 you do it. Shoot, check, shoot, check, shoot,  
14 check. You don't just go bam, bam, bam. You're  
15 checking, you're doing what you're supposed to do  
16 between shots.  
17 Q And the checking that you're referring to  
18 is checking to see whether the door has come open  
19 either in response to your shooting or in response  
20 to your kick?  
21 A Correct, the nudge thing, which that is  
22 something that I personally do, is a technique that  
23 I do.  
24 Q Now this is a pump action shotgun,  
25 correct?

page 52

1 A Remington Model 870 pump action shotgun,

Issues Report [Green v. Buckovitch]

• designation of deposition

2 yes.  
3 Q So you had to reload that magazine between  
4 each of these five shots by pulling that pump back  
5 toward the trigger, correct?  
6 A Correct, sir.  
7 Q So what is your best estimate as to the  
8 approximate amount of time that passed between the  
9 first shot you fired at the kitchen door that night  
10 and the second shot you fired at the kitchen door  
11 that night?  
12 A It would be approximately a second. It  
13 wouldn't be long. It would be a long second. It's  
14 a very deliberate. You're not doing it real fast  
15 where you can pump out as many rounds as you can.  
16 It would be approximately a second. Maybe a little  
17 longer than a second. I'm not sure of the exact  
18 time.  
19 Q Now how about the interval of time between  
20 the second and the third shot, approximately how  
21 much time passed?  
22 A They'd all be about the same.  
23 Q And at any point in the interval between  
24 the first shot and the fifth shot that you fired  
25 that night, did anything happen that you considered  
page 53  
1 to be unusual other than what you were doing?  
2 A No. We knew they were busy at the front,  
3 we could hear the shots being fired so we weren't  
4 sure what was going on at the front, but other than  
5 that everything we were doing was a normal entry  
6 using our tools.  
7 Q You actually heard shots that night; is

[53:10] - [53:23]

10/14/1999 Sgt. Ingram

• designation of deposition

page 53

9 A Yes.  
10 Q Excuse me, that night did you hear shots  
11 coming from inside?  
12 A Yeah, you could tell they were being fired  
13 inside from the other side of the door, yes. You  
14 could hear shots and you could hear the shots, and  
15 they're pretty obvious that they were coming from  
16 the inside.  
17 Q And how many shots did you hear coming  
18 from inside the apartment that night?  
19 A I don't recall the exact number.  
20 Q Was it more than one?  
21 A Yes, it was more than one.  
22 Q You heard more than one shot?  
23 A We heard more than one shot, yes.  
24 Q So in between the time when you fired --

[56:3] - [57:11]

10/14/1999 Sgt. Ingram

• designation of deposition

page 56

2 open.  
3 Q At any time before you finally got the  
4 kitchen door open, did you try the door knob to see  
5 if it would turn other than that first time before  
6 the first frangible shot?  
7 A No, sir.  
8 Q So it could have been that the reason that  
9 the door wouldn't open was that the throw that was  
10 connected with the knob was keeping it from  
11 opening; isn't that true?

Issues Report [Green v. Buckovitch]

• designation of deposition

12 A The door knob throw?  
13 Q Yes, sir.  
14 A It's possible. I'd have to look at  
15 pictures to see how far up and down I came on it,  
16 but that's possible, yes, sir, it's possible that  
17 that was holding the door shut. When I nudged the  
18 door and it didn't open and so I called the ram and  
19 one tap, the door did come open.  
20 Q Well, how could you possibly have expected  
21 the first of the five frangible shots to have  
22 caused the door to open if there was a throw  
23 attached to the knob and you didn't try the knob?  
24 A We went up and down, sir, and if you see  
25 how we placed our shots and those are -- those door  
page 57  
1 knobs are generally insignificant, they  
2 disintegrate with just the pressure of the round  
3 coming through and knocking holes in the door, but  
4 could part of the throw from the dead bolt still  
5 have been stuck in the frame, or could the lock on  
6 the door of the turn knob been stuck, I don't know.  
7 All I know is that it didn't come open when I used  
8 my toe to push the door and we don't haul off and  
9 kick doors, so I called for the ram to open the  
10 door and one hit with the ram and the door came  
11 open.  
12 Q Wouldn't you agree, though, that the

[57:25] - [58:20]

10/14/1999 Sgt. Ingram

• designation of deposition

page 57  
24 it that night and it may be that distance.  
25 Q Let me make sure that I understand this;  
page 58  
1 at any time that night after you fired the first  
2 frangible slug, did you turn the door knob to see  
3 if you could get the door open?  
4 A No, sir. Between the first and fifth, no,  
5 sir, I did not try the door knob, no, sir.  
6 Q Altogether how many seconds passed,  
7 approximately, between the time when you fired the  
8 first round until the time when you fired the last  
9 of the five?  
10 A Maybe six seconds, six to seven seconds,  
11 in that time frame would be a guess.  
12 Q Is that your best estimate, six to seven  
13 seconds?  
14 A Somewhere in there. It may be a little  
15 longer, may be a little shorter. I would assume  
16 that it would be less than 10 seconds.  
17 Q You feel pretty confident that it was less  
18 than 10 seconds?  
19 A I'm very confident that it was less than  
20 10 seconds.  
21 Q Let me make sure that what I'm asking is

[60:19] - [61:6]

10/14/1999 Sgt. Ingram

• designation of deposition

page 60  
18 A No.  
19 Q At any time in that interval between the  
20 time when you fired the first round and the time  
21 you fired the last round, did you say anything to  
22 anybody?  
23 A The only time I said anything to anybody  
24 was after the fifth round was fired and the door

Issues Report [Green v. Buckovitch]

• designation of deposition

25 wasn't open and I called up for the ram.

page 61

1 Q And what is calling up for the ram

2 involve?

3 A We have a person that brought up the ram  
4 and was standing by with the ram and if I needed  
5 the ram all I had to do was yell for the ram and he  
6 brought me the ram.

7 Q And who was that person?

[63:9] - [64:10]

10/14/1999 Sgt. Ingram

• designation of deposition

page 63

8 and what they have on it.

9 Q What was the approximate distance between  
10 where you visualized the throw of the dead bolt to  
11 be and the location of the last of the five  
12 frangible shots you fired that night?

13 A The distance of maybe four inches at the  
14 total throw, maybe four or five inches at most.

15 Q But even so, your purpose in firing the  
16 fifth of the frangible slug rounds was to dislodge  
17 the throw of the dead bolt, wasn't it?

18 A That's what you're looking to do, yes,  
19 sir. You're trying to dislodge the dead bolt and  
20 anything that may have jammed up getting that door  
21 open, yes, sir.

22 Q You weren't aiming for the throw attached  
23 to the knob when you fired the fifth of those  
24 frangible slugs, were you?

25 A No, sir. That wouldn't be where I'd be

page 64

1 going at, no, sir.

2 Q Now, when you fired the five frangible  
3 slugs, were you standing at approximately the same  
4 place each time?

5 A I was at the same place each time.

6 Q And was that on the sidewalk?

7 A That was right by the door, so in front of  
8 the door. So I was looking down at the door, so it  
9 would be on the sidewalk, I guess, that leads up to  
10 the back door.

11 Q But you weren't on that little bit of lip

[70:24] - [71:5]

10/14/1999 Sgt. Ingram

• designation of deposition

page 70

23 front and back door had TKO rounds used on them.

24 Q Did anyone else shoot into the kitchen  
25 that night?

page 71

1 A No, sir.

2 Q You were the only one who shot in the  
3 kitchen that night?

4 A I was the only one who shot at the kitchen  
5 door, yes, sir.

6 Q To best of your information, knowledge and

[71:22] - [74:13]

10/14/1999 Sgt. Ingram

• designation of deposition

page 71

21 anything inside the kitchen.

22 Q You did enter the kitchen that night,  
23 didn't you?

Issues Report [Green v. Buckovitch]

• designation of deposition

24 A Yes, sir, I did.  
25 Q When you entered the kitchen, did you see  
page 72  
1 any evidence that any of the five frangible loads  
2 that you'd fired had penetrated the kitchen door?  
3 A Well, the door -- there was a hole through  
4 the door once we got in and parts of the lock and  
5 everything were on the inside of the kitchen.  
6 There was debris from the door inside the kitchen.  
7 Q Other than that, did you see any evidence  
8 that one or more of the frangible loads that you  
9 fired that night penetrated the kitchen door at  
10 1112 C Dove Street?  
11 A Just the debris that I saw on the door,  
12 that was the only thing I saw that we had on the  
13 floor.  
14 Q The debris you saw on the door?  
15 A On the floor, that had fallen off, parts  
16 of the locking system that were right there in  
17 front of us.  
18 Q How about the door itself, at any time  
19 that night did you examine the inside of the door  
20 or look at the inside of the door?  
21 A On the way out, yes, sir, I did look at  
22 the inside of the door. I saw where we had  
23 fractured the door and hit the lock.  
24 Q When you say we you mean you, don't you?  
25 A I mean me, yes, sir.  
page 73  
1 Q And describe what you saw about the inside  
2 of that kitchen door that night.  
3 A Just that we had, maybe about that long,  
4 five, six inches, I'm not sure the correct distance  
5 would be that I had cut away the door around where  
6 the lock was.  
7 Q So you once you got inside the kitchen,  
8 you saw from the inside of the kitchen that on the  
9 inside of the kitchen door there was a hole that  
10 was five to six inches tall all the way through the  
11 kitchen door?  
12 A Through the door, yes, sir.  
13 Q And the approximate dimension of that hole  
14 was five to six inches high; is that correct?  
15 A Yes, I'd say like that. I didn't stop to  
16 measure the distance. I didn't get a long time to  
17 look at it on the way out.  
18 Q Maybe four to six inches high?  
19 A Maybe, sir. Without measuring it and  
20 having a measure, I wouldn't want to guess.  
21 Q But in any event, you observed that hole  
22 from top to bottom?  
23 A I observed the damage done to the door  
24 from the inside, yes, sir.  
25 Q Now, how was that damage done to that  
page 74  
1 door?  
2 A It would be damage consistent with using  
3 shot lock.  
4 Q Consistent with using a shot lock?  
5 A That's another name for a frangible round,  
6 sir.  
7 Q Now, before you left the kitchen that  
8 night then you realized that you had probably blown  
9 a hole in the kitchen door; is that correct?  
10 A I had shot the lock out, yes, sir.  
11 Q And in shooting the lock out, you'd blown  
12 a hole in the kitchen door, hadn't you?  
13 A Yes, sir.  
14 Q And before you left the apartment that



Issues Report [Green v. Buckovitch]

• designation of deposition  
[74:19] - [76:14]

10/14/1999 Sgt. Ingram

• designation of deposition

page 74

18 kitchen door.

19 Q And did that concern you?

20 A No, sir. The round -- at that time the  
21 round had done what it's supposed to do is knock  
22 the lock through so we can get inside of a  
23 structure.

24 Q So it didn't concern you that in doing so  
25 you'd blown a hole in the door that was four to six

page 75

1 inches high?

2 A No, sir, that's what we're looking for.  
3 That's what it's supposed to do, it's supposed to  
4 knock the lock and debris and make a hole in things  
5 so we can knock locks off doors.

6 Q So from your perspective the frangible  
7 slug did exactly what it was supposed to do, is  
8 that correct?

9 A Yes, sir.

10 Q When you fired the five loads at the  
11 kitchen door in connection with this raid, was your  
12 goal simply to get the door open?

13 A That was my goal, I'm a breacher and  
14 that's what I'm there to do is to breach the door.

15 Q You weren't trying to hit anybody on the  
16 other side, were you?

17 A No, sir.

18 Q You weren't trying to defend yourself or  
19 others from shots you heard inside when you fired  
20 at that door?

21 A No, sir.

22 Q When you fired any of those five loads at  
23 the kitchen door, were you aware that there were  
24 people in the room on the other side of the door?

25 A No, sir.

page 76

1 Q When you fired those five shots at the  
2 door, did you even consider that there might be  
3 people in the room on the other side of the door?

4 A You're always aware of that, the room that  
5 you're going into might be occupied. You're always  
6 aware of that.

7 Q So you did consider that there might be  
8 people on the other side of the door?

9 A You always assume that there might be  
10 somebody on the other side of the door, yes, sir.

11 Q And you were aware of that possibility as  
12 you shot each of the five frangible loads at that  
13 door, is that correct?

14 A Correct, sir.

15 Q At any time when you fired those five

[80:14] - [81:12]

10/14/1999 Sgt. Ingram

• designation of deposition

page 80

13 A Once.

14 Q Did you ever figure out what kept the  
15 kitchen door from coming open without the aid of  
16 the ram?

17 A No, sir.

18 Q Can you rule out that what kept the door  
19 from opening before you used the ram was the throw  
20 attached to the knob? Can you rule that out?

21 A I can't rule that out, no, sir.

Issues Report [Green v. Buckovitch]

• designation of deposition

22 Q In connection with this raid, when did you  
23 first consider switching over from frangible slugs  
24 to some other method of breaching the door?  
25 A After my fifth round was shot and the door  
page 81  
1 wasn't open.  
2 Q Not until then did you consider an  
3 alternative?  
4 A No, sir.  
5 Q Why didn't you consider an alternative  
6 before then?  
7 A That was my primary tool for that  
8 particular job and my secondary tool was the ram.  
9 Q Because you heard a shot fired from inside  
10 the apartment, did you change your course of action  
11 in any way?  
12 A No, sir.  
13 Q After you got the kitchen door open, who

[83:10] - [85:10]

10/14/1999 Sgt. Ingram

• designation of deposition

page 83  
9 nobody came past that, no, sir.  
10 Q So after you got the kitchen door open,  
11 who was the first person to enter the kitchen?  
12 A It would be Tim Degrawe.  
13 Q And did you see him enter the kitchen at  
14 that point?  
15 A I was with him, so yeah. When he did  
16 enter the kitchen, I was with him, yes.  
17 Q And was anyone else with him when he  
18 entered the kitchen?  
19 A Jack King was there with him. The three  
20 of us did enter the kitchen area.  
21 Q Before any of the three of you stepped  
22 into the kitchen area, did you look in the kitchen?  
23 A Yes, sir.  
24 Q Tell me what you saw.  
25 A We identified three adults and two  
page 84  
1 juveniles in the kitchen at that time. There were  
2 two adult females, one adult male and two children.  
3 Q And what did you observe about each before  
4 anyone entered the kitchen?  
5 A We saw them in the kitchen, we saw in the  
6 left-hand corner as we looked into the kitchen  
7 there was an adult female and directly below the  
8 adult female was an adult male who was trying to  
9 hide behind her. And in the right-hand corner of  
10 the kitchen there was an adult female who had been  
11 injured and underneath her was a small child, and  
12 directly in front of us closer to the left-hand  
13 corner near the other female was another juvenile.  
14 Q Female?  
15 A The children were both female.  
16 Q Both of them under the age of six?  
17 A Yes, I would say that, yes.  
18 Q So when you first looked into the kitchen  
19 after you got the door open that night, you saw  
20 three adults and two female children under the age  
21 of six, correct?  
22 A Correct.  
23 Q And one of those adults appeared to you to  
24 be injured, is that correct?  
25 A Correct.  
page 85  
1 Q Did you learn the identity at any point of

Issues Report [Green v. Buckovitch]

• designation of deposition

2 the adult female who appeared to be injured?  
3 A The only time I learned about her identity  
4 was I think the next day. In fact I know it was,  
5 either the next day or the day after that.  
6 Q And when you learned her identity, did you  
7 learn that that was Christie Green?  
8 A When they said her name was Christie  
9 Green, I learned her name when they announced who  
10 it was.  
11 (Document 114: Diagram)

[100:13] - [101:5]

10/14/1999 Sgt. Ingram

• designation of deposition

page 100

12 okay, both children were okay.  
13 Q After you succeeded in getting the kitchen  
14 door open and entered the kitchen, did you see any  
15 indication that any of the frangible slugs that  
16 you'd fired, or any debris from the door resulting  
17 from frangible slugs that you fired had damaged the  
18 floor of the kitchen?  
19 A I saw some debris from the door on the  
20 floor. I don't think it damaged the floor. I saw  
21 some debris on the floor is what I saw.  
22 Q So on that night at any time did you see  
23 any damage to the floor in the kitchen of 1112 C  
24 Dove Street?  
25 A Not that I can think of, not damage to the  
page 101

1 floor, no, sir.  
2 Q Did you ever determine why the kitchen  
3 door did not open after you shot it five times at  
4 point blank range with a 12 gauge shotgun?  
5 A No, sir.  
6 (Document 109: Lesson plan)

[101:7] - [103:13]

10/14/1999 Sgt. Ingram

• designation of deposition

page 101

6 (Document 109: Lesson plan)  
7 Q I want to hand you a document that, for  
8 purposes of identification, I have marked as  
9 Document 109, and I'm going to give Ms. Burton two  
10 copies and ask if she would keep one and hand one  
11 to you. And I'd ask you to look at it and tell me  
12 whether that's a complete copy of the lesson plan  
13 of the Department of Police for the City of  
14 Richmond dealing with frangible slugs and in use  
15 when the raid took place on December 29, 1998 that  
16 we've been talking about here today.  
17 A Yes, sir, that looks to be a complete  
18 packet, as I recall, from that training and one  
19 that's been used, yes, sir.  
20 Q Would you turn to page 360. Do you see  
21 the numbers in the upper right corner?  
22 A Yes, sir. Okay.  
23 Q And does page 360 set forth the aiming  
24 instructions of the lesson plan of the Department  
25 of Police that applied to the door at 1112 C Dove  
page 102

1 Street on December 29, 1998?  
2 A Yes, sir.  
3 Q I'm going to hand you an enlargement of  
4 that same page and ask you if you would tell me  
5 whether this enlargement is also a copy of that  
6 same page, and if so, would you put it on the

Issues Report [Green v. Buckovitch]

• designation of deposition

7 easle?  
8 A Yes, sir.  
9 Q Would you put that on the easle, please,  
10 so the camera can focus on it? Now, there are two  
11 sets of aiming instructions on page 360; is that  
12 correct?  
13 A Correct, sir.  
14 Q But they are essentially identical aiming  
15 instructions; is that correct, also?  
16 A Yes, sir, they are.  
17 Q Now, which of those two aiming  
18 instructions, though, applies to the door at 1112 C  
19 Dove Street, the top set or the bottom set?  
20 A The top set was used, it's a 45 degree  
21 angle at the latch bolt between the lock and frame,  
22 that dead area there where the door is and the lock  
23 and frame.  
24 Q For a wood door and wood frame?  
25 A Yes, sir.  
page 103  
1 Q But if the evidence turned out to show  
2 that the frame was in fact a metal frame, the  
3 aiming instructions would be exactly the same; is  
4 that right?  
5 A Yes, sir, you're still aiming for the  
6 space between the frame and the dead bolt is at,  
7 that dead space there.  
8 Q And your attack on the kitchen door that  
9 night was on the lock side; is that correct?  
10 A Yes, sir.  
11 Q And would you please read into the record  
12 what the aiming instructions were for a wood door,  
13 wood frame lock side attack?  
14 A "Aim shotgun at a 45 degree angle at the

[103:19] - [104:12]

10/14/1999 Sgt. Ingram

• designation of deposition

page 103  
18 left out a word.  
19 A "Aim shotgun at a 45 degree down angle at  
20 the latch bolt between the lock and the frame."  
21 Q Now, when you fired the five frangible  
22 slugs into the kitchen door at 1112 C Dove Street,  
23 what did you think was the reason behind the  
24 instruction to "Aim shotgun at a 45 degree down  
25 angle?" What did you think was the reason for that  
page 104  
1 instruction?  
2 A The reason for that is to attempt to get a  
3 down angle is to push any debris from the lock as  
4 it comes loose, any debris, and make it fall down  
5 at an angle instead of going up or straight across.  
6 Try to get it to go down at some kind of an angle.  
7 Q And why was that a consideration?  
8 A A safety consideration, to keep someone  
9 from possibly being hit by a piece of flying  
10 debris.  
11 Q Someone on the inside?  
12 A Yes, sir.  
13 Q And what about the portion of the

[104:22] - [105:9]

10/14/1999 Sgt. Ingram

• designation of deposition

page 104  
21 Q All right, let's use that language because  
22 that is precisely what the instruction says. When

Issues Report [Green v. Buckovitch]

• designation of deposition

23 you fired the five frangible slugs into the kitchen  
24 door at 1112 C Dove Street, what did you think was  
25 the reason behind the instruction to aim shotgun at  
page 105  
1 the latch bolt between the lock and the frame?  
2 A That's what's holding the door shut. The  
3 throw or the latch bolt is what's keeping the door  
4 shut and that's what you're trying to take out.  
5 Q And so because that's what you're trying  
6 to take out, that would be the reason that the  
7 shooter, in this case, you, should aim at the latch  
8 bolt between the lock and the frame, correct?  
9 A Correct.  
10 Q Before you fired five frangible slugs into

[112:20] - [113:5]

10/14/1999 Sgt. Ingram

• designation of deposition

page 112  
19 the years, I couldn't recall. Quite a bit.  
20 Q Before December 29, 1998, what is your  
21 best estimate as to the number of times that you  
22 had actually fired a frangible slug?  
23 A Times would probably -- the amount of  
24 rounds, I couldn't guess, but I've probably trained  
25 with frangible rounds 10, 15 times over the years,  
page 113  
1 over the period of years that we've been using that  
2 particular round.  
3 Q And each time fired at least one frangible  
4 round?  
5 A At least one, yes, sir.  
6 Q So what is your best estimate as to the

[129:16] - [129:21]

10/14/1999 Sgt. Ingram

• designation of deposition

page 129  
15 structures, yes, sir, more than a dozen occasions.  
16 Q Would you agree that on more than a dozen  
17 occasions before December 29, 1998 you have used  
18 the rehearsal technique to teach others how to use  
19 breaching techniques that included the use of  
20 frangible slugs?  
21 A Yes, sir.  
22 Q And when you conducted these rehearsals to

[131:5] - [131:21]

10/14/1999 Sgt. Ingram

• designation of deposition

page 131  
4 mission.  
5 Q And also as part of your standard teaching  
6 technique when you are instructing fellow SWAT team  
7 officers through the rehearsal mode as to how to  
8 breach buildings, you also emphasize with the  
9 fellow SWAT team members that it is important to  
10 aim the shotgun at a downward angle of 45 degrees  
11 and to aim at the latch bolt between the lock and  
12 the doorframe, correct?  
13 A That's what we teach. Optimally, of  
14 course, you would want the 45 degree angle, and  
15 that's a teaching angle. We want a downward angle  
16 is what we teach is to try to obtain a downward  
17 angle on the lock.  
18 Q And in fact in your teaching you certainly  
19 adhere to what the lesson plan says about the 45

Issues Report [Green v. Buckovitch]

• designation of deposition

20 degree downward angle; isn't that correct?  
21 A Correct.  
22 Q Have you taught, through the rehearsal

[134:4] - [134:5]

10/14/1999 Sgt. Ingram

• designation of deposition

page 134

3 to your next tool and then you go with that.  
4 Q How tall are you, sir?  
5 A I'm a little over five foot ten.  
6 Q After December 29, 1998 have any changes

[141:6] - [141:20]

10/14/1999 Sgt. Ingram

• designation of deposition

page 141

5 (Document 82: Code of Ethics)  
6 Q I want to hand you and Ms. Burton, also, a  
7 copy of a paper that, for purposes of  
8 identification, I've marked as Document No. 82. Is  
9 that your signature at the bottom of that document?  
10 A Yes, sir, it is.  
11 Q And I hand you an enlargement of a  
12 document and ask you if this appears to be an  
13 enlargement of the same Document 82 that you have  
14 in front of you. Would you take a look at this,  
15 please?  
16 A Yes, sir, it is.  
17 Q And would you put that up on the easle,  
18 please, and I'd like the video technician to focus  
19 on that enlargement briefly while you look at the  
20 smaller version of the same document, Document 82.  
21 Would you please read the, out loud, the first

out by  
of Green  
of counsel

[144:5] - [144:19]

10/14/1999 Sgt. Ingram

• designation of deposition

page 144

4 not answer the question.  
5 Q Do you agree or disagree with the  
6 contention that Ms. Green died as a direct and  
7 proximate result of one or more of five blasts from  
8 a shotgun that you fired?  
9 A I have been told that.  
10 MS. BURTON: The question is do you agree  
11 or disagree. If you have a basis for  
12 agreeing, then state your basis.  
13 A I agree because I have been told that one  
14 of the rounds I fired did in fact strike her. The  
15 forensic people have told me and the detectives  
16 involved in the case have told me.  
17 Q And you certainly have no evidence to the  
18 contrary, do you?  
19 A No, sir.  
20 Q And isn't it true that when you fired

[145:13] - [145:23]

10/14/1999 Sgt. Ingram

• designation of deposition

page 145

12 A Yes, sir.  
13 Q To the best of your information, knowledge  
14 and belief, did Ms. Green say anything to provoke  
15 the actions that resulted in her death?  
16 A No, sir.

Issues Report [Green v. Buckovitch]

• designation of deposition

17 Q And to the best of your information,  
18 knowledge and belief, did Ms. Green's actions  
19 provoke her death in any way?  
20 A I don't know, sir.  
21 Q Do you know of any actions that Ms. Green  
22 took that provoked her death?  
23 A No, sir.  
24 Q To the best of your information, knowledge

[146:17] - [146:20]

10/14/1999 Sgt. Ingram

• designation of deposition

page 146

16 A No, sir.  
17 Q To the best of your information, knowledge  
18 and belief, did Ms. Green die as a result of being  
19 struck by zinc from a breaching round fired by you?  
20 A Yes, sir.  
21 Q To the best of your information, knowledge

[147:23] - [148:17]

10/14/1999 Sgt. Ingram

• designation of deposition

page 147

22 (Document 40: Handwritten document)  
23 Q I'm handing Ms. Burton two copies of a  
24 document that, for purposes of identification, I  
25 have marked as Document No. 40. It is a two page  
page 148

1 document numbered in the upper right-hand corner  
2 138 and 139. Is that a copy of a statement that  
3 you wrote?

4 A Yes, sir.

5 Q And did you write that on December 30,  
6 1998?

7 A Yes, sir.

8 Q And did you write that statement in the  
9 ordinary course of your job duties as an employee  
10 of the Department of Police for the City of  
11 Richmond?

12 A Yes, sir.

13 Q And you wrote that statement for the  
14 purpose of setting forth as accurately as you could  
15 the facts that took place on December 29, 1998 at  
16 1112 C Dove Street; is that correct?

17 A My actions at that location, yes, sir.

18 Q Other than the statement of which Document

[149:4] - [149:9]

10/14/1999 Sgt. Ingram

• designation of deposition

page 149

3 wrote at the time.

4 Q And who asked you to write it?

5 A Everybody involved on the mission was  
6 asked to write statements, or key people on the  
7 mission. I was ordered to by Lieutenant Buckovich,  
8 along with several other people, to write  
9 statements.

10 Q What clubs or organizations do you belong

[152:17] - [153:18]

10/14/1999 Sgt. Ingram

• designation of deposition

page 152

16 have read something? Possibly.

Issues Report [Green v. Buckovitch]

• designation of deposition

17 Q Did you use your night scope in any way  
18 that night?  
19 A Didn't have a night scope with me. I had  
20 a light kit for the shotgun, but I didn't have a  
21 night scope.  
22 Q What is the light kit?  
23 A The light kit is a flashlight system  
24 mounted underneath the shotgun. It's built as part  
25 of the shotgun.  
page 153  
1 Q And what is the function of the light kit?  
2 A To light -- it's so you can light up a  
3 designated area that you might be pointing the  
4 shotgun at.  
5 Q And did you use the light kit that night?  
6 A Yes, sir, I did.  
7 Q And how big a circumference was the area  
8 that you illuminated on the door in doing so?  
9 A Enough to, when you were three or four  
10 inches away from the door, enough so that you're  
11 illuminating pretty much the door knob and the lock  
12 and that area that I was aiming at.  
13 Q Would the area have been approximately the  
14 size of a grapefruit that you illuminated?  
15 A Yes, something like that, maybe a little  
16 bit bigger, but the real bright area, probably that  
17 close, something like that, where it illuminated  
18 really well the area that I was going to shoot at.  
19 Q If you had used only a battering ram, do



Issues Report [Green v. Buckovitch]

• designation of deposition

[5:6] - [5:7]

6/27/2000 John Buckovich

• designation of deposition

page 5

5 and I represent both the defendants in this case.

6 JOHN B. BUCKOVICH

7 was sworn and testified as follows:

8 EXAMINATION

[5:18] - [5:20]

6/27/2000 John Buckovich

• designation of deposition

page 5

17 A Sure.

18 Q Would you please state your name for the  
19 record, sir?

20 A John Buckovich.

21 Q And your date of birth?

[11:3] - [11:12]

6/27/2000 John Buckovich

• designation of deposition

page 11

2 A They all do.

3 Q Let me make sure I understand this. Is  
4 the Richmond Police Department SWAT team a full-time  
5 SWAT team?

6 A No, sir.

7 Q Is there such a thing in the law  
8 enforcement world as a full-time SWAT team?

9 A Yes, sir. There are some larger  
10 departments that, like Los Angeles Sheriff's  
11 Department, I believe they have a full-time SWAT team.  
12 Some of the larger departments do, yes, sir.

13 Q Any in Virginia as far as you know?

[11:17] - [11:20]

6/27/2000 John Buckovich

• designation of deposition

page 11

16 time had a full-time team, but I can't tell you.

17 Q When Christie Green was killed, who was  
18 the highest ranking member of the Richmond's SWAT  
19 team?

20 A Myself.

21 Q So when Christie Green was killed, were

[15:1] - [16:2]

6/27/2000 John Buckovich

• designation of deposition

page 14

25 A Lieutenant Roger Russell.

page 15

1 Q When you were in charge of the Richmond  
2 Police Academy, was one of your job duties to see that  
3 members of the Richmond SWAT team were properly  
4 trained to perform the missions that they undertook?

5 A Well, that would fall under my assignment  
6 as the SWAT team commander.

7 Q So as of the time that Christie Green was  
8 killed, were you the person whose job responsibilities  
9 included seeing that the Richmond SWAT team members  
10 were trained to perform their job properly?

11 A Certainly.

Issues Report [Green v. Buckovitch]

• designation of deposition

12 Q And for how long before Christie Green was  
13 killed had you been the person in charge of seeing  
14 that the Richmond SWAT team members were properly  
15 trained?

16 A Well, as I said, I took over the position  
17 October 19, '96. Prior to that, I was the training  
18 sergeant for the SWAT team, and I held that position  
19 for -- and this is approximately -- three years I was  
20 the training sergeant.

21 Q So from approximately 1994 until early  
22 2000 were you the person in charge of seeing that  
23 Richmond SWAT team members were properly trained?

24 A Well, I was completely in charge from 1996  
25 and my duties prior to that as training sergeant was  
page 16

1 to coordinate the training. I did not have the final  
2 say prior to my taking over the SWAT team.

3 Q So you were in charge of the Richmond

[16:19] - [17:4]

6/27/2000 John Buckovich

• designation of deposition

page 16

18 A That was not an academy duty, no, sir.

19 Q When you were in charge of the SWAT team,  
20 was it among your job duties to see that the equipment  
21 used by the Richmond SWAT team was properly tested to  
22 determine whether or not it performed as you expected  
23 it to?

24 A Certainly. As the team commander, it was  
25 my responsibilities to see that we were trained and  
page 17

1 that we had the proper equipment, yes, sir.

2 Q And also to see that the equipment  
3 performed as expected; correct?

4 A Yes, sir.

5 Q What other job duties did you have while

[27:7] - [28:5]

6/27/2000 John Buckovich

• designation of deposition

page 27

6 sir.

7 Q Did you participate in planning the raid  
8 on 1112-C Dove Street?

9 A Certainly, yes, sir.

10 Q And as part of your plan in the process,  
11 what did you do?

12 A It's kind of a lengthy process. The first  
13 thing that we did was we sent -- once we got the  
14 request for -- to do this, then I sent who is now  
15 Sergeant Shapiro but was Detective Shapiro out to do a  
16 preliminary survey, where he talked to the people  
17 requesting us to execute the search warrant. He went  
18 by the location. He got all the information that we  
19 could get that we would need to prepare the type of  
20 entry we were going to make. After that information  
21 was obtained, we brought it back to the academy where  
22 we began the process of determining exactly how we  
23 would make the entry and who would do what. Detective  
24 or Sergeant Shapiro did the majority of that work.  
25 And then after he finished that, then he brought it to  
page 28

1 Sergeant Kelly and myself for final approval, at which  
2 time before we did anything I contacted Deputy Chief  
3 Russell, who was in my chain of command, and informed  
4 him what we had and what our intentions were to get  
5 the final okay from him.

Issues Report [Green v. Buckovitch]

• designation of deposition

6 Q Was all of this done on the day of the

[28:9] - [28:21]

6/27/2000 John Buckovich

• designation of deposition

page 28

8 A Yes, sir.  
9 Q Who made the decision to breach the door  
10 using frangible rounds?  
11 A That would be me.  
12 Q And where were you when you made this  
13 decision?  
14 A At the training academy. That was all  
15 part of our planning.  
16 Q So approximately what time of day was it  
17 when you made the decision, you yourself made the  
18 decision to use frangible rounds?  
19 A I couldn't give you an exact minute or  
20 hour. It was in the evening when we were planning  
21 this.  
22 Q It was after dinner?

[29:5] - [29:13]

6/27/2000 John Buckovich

• designation of deposition

page 29

4 5 or 6 p.m.  
5 Q Is it a fair statement -- excuse me. Is  
6 it your best recollection that it was after 5 p.m. on  
7 December 29, 1998, that you made the decision to use  
8 frangible rounds at 1112-C Dove Street?  
9 A Yes, sir.  
10 Q So you made the decision to use frangible  
11 rounds at 1112-C Dove Street before the SWAT team ever  
12 got to that address, is that correct?  
13 A Oh, yes, sir. Yes, sir.  
14 Q So that when the SWAT team went to 1112-C

[30:19] - [30:25]

6/27/2000 John Buckovich

• designation of deposition

page 30

18 we call child protocol.  
19 Q So you were in charge of planning the SWAT  
20 team raid at 1112 Dove Street on December 29, 1998?  
21 A I was involved, yes, sir.  
22 Q You were involved. Were you in charge of  
23 planning that?  
24 A Oh, I'm sorry. I didn't draw the plan up.  
25 I approved the plan.

page 31

1 Q And when you approved that plan, you

[31:13] - [31:15]

6/27/2000 John Buckovich

• designation of deposition

page 31

12 state it.  
13 Q Did you yourself give the signal to begin  
14 the raid on 1112-C Dove Street?  
15 A Yes, sir. That's part of my duties.  
16 Q And when you gave that signal for the raid

Issues Report [Green v. Buckovitch]

• designation of deposition

[44:6] - [44:18]

6/27/2000 John Buckovich

• designation of deposition

page 44

5 understand it and it helps reiterate it to him.

6 Q Were you the person who gave the  
7 instructions in connection with this raid to the  
8 members who participated in the raid?

9 A I, of course, was there, but I actually  
10 think or Sergeant Shapiro was the one who went over it  
11 with the team.

12 Q And exactly what was Sergeant Ingram told  
13 as best you can recollect?

14 A That his duties, to the best of my  
15 recollection, his duties were to breach the kitchen  
16 door upon my command and do a limited penetration into  
17 that kitchen, which means once that door is breached,  
18 they go into the kitchen and go no further.

19 Q As far as you are aware on December 29,

[48:3] - [48:20]

6/27/2000 John Buckovich

• designation of deposition

page 48

2 began when he started raking and breaking.

3 Q All right. Did the entry begin on your  
4 signal to Officer Hayes to rake and break?

5 A Yes.

6 Q And other than the signal that you gave to  
7 officer -- or the command that you gave to Officer  
8 Hayes to rake and break, did you give any other  
9 commands at the scene to initiate the entry that  
10 night?

11 A No. Our command and control was that.  
12 When he started to rake and break, then that was the  
13 signal for the team to begin their breaching.

14 Q So the signal for Sergeant Ingram to begin  
15 firing at the door was the breaking -- the sound of  
16 the breaking of the glass; is that correct?

17 A Yes, sir.

18 Q And that was the way you intended it;  
19 correct?

20 A Correct.

21 Q You actually entered the kitchen and saw

[62:23] - [63:1]

6/27/2000 John Buckovich

• designation of deposition

page 62

22 shotgun it worked better without the standoff device.

23 Q About how much time passed between the  
24 time when you ordered Officer Hayes to rake and break  
25 and the time when you first heard glass break?

page 63

1 A Oh, it was instantaneous.

2 Q And about how much time passed between the

[63:22] - [64:8]

6/27/2000 John Buckovich

• designation of deposition

page 63

21 A Break the glass first.

22 Q Right. The signal that the breachers were  
23 listening for before they pulled the trigger was the  
24 sound of the breaking of the glass; correct?

25 A Yes, sir.

page 64

Issues Report [Green v. Buckovitch]

• designation of deposition

1 Q And your instructions to the breachers was  
2 to fire as soon as they heard the breaking of the  
3 glass; correct?  
4 A As soon as the glass broke, yes, sir, to  
5 begin their breaching process.  
6 Q Meaning to pull the trigger on the  
7 shotguns that had the breaching rounds; correct?  
8 A Yes, sir.  
9 Q So as you instructed the two breachers,

[81:10] - [81:22]

6/27/2000 John Buckovitch

• designation of deposition

page 81

9 Q Let me back off if I may. Let me withdraw  
10 that question. Regardless of whether we're dealing  
11 with a wood door wood frame or a wood door metal  
12 frame, would you please read into the record the  
13 applicable aiming instructions that applied to the  
14 breach that Sergeant Ingram did at 1112-C Dove Street?  
15 A Aim shotgun with a 45-degree down angle at  
16 the latch bolt between the lock and the frame.  
17 Q Before Sergeant Ingram killed Christie  
18 Green, was it ever brought to his attention that he  
19 should aim at the latch bolt?  
20 A Yes, sir.  
21 Q How do you know that?  
22 A Because it's part of the instructions.  
23 Q And when the raid took place at 1112-C

[96:16] - [97:3]

6/27/2000 John Buckovitch

• designation of deposition

page 96

15 A Right, right.  
16 Q At any time as far as you are aware, has  
17 anyone on behalf of the Richmond Police Department  
18 fired rounds purposefully below a lock on a wooden  
19 door in order to determine the extent to which the  
20 round would penetrate the door if the round did not  
21 come in contact with the metal lock?  
22 A Once again, I haven't. I don't know what  
23 Captain Beadles and Lieutenant Bennett, if they have.  
24 So I haven't done that personally.  
25 Q Why not?  
page 97

1 A Because that wasn't the way the round was  
2 intended to be used. It was intended to be used to be  
3 fired at the locking mechanism. I've never done that.  
4 Q To the best of your information, before

[99:13] - [100:4]

6/27/2000 John Buckovitch

• designation of deposition

page 99

12 BY MR. CUTHBERT:

13 Q Let me ask you about your use of frangible  
14 rounds, Lieutenant. You've used those before  
15 yourself?  
16 A Yes, sir.  
17 Q On approximately how many occasions have  
18 you fired frangible rounds?  
19 A Wow. Over the period that we've used  
20 them, gosh. I don't know, 10, 15, 20 times.  
21 Q Somewhere between 10 and 20 rounds would  
22 be your best estimate?  
23 A Yes, sir. No more than that.

Issues Report [Green v. Buckovitch]

• designation of deposition

24 Q And when you fired them, did you -- where  
25 did you fire them in?

page 100

1 A Some of them have been on SWAT missions.  
2 Some had been in training at our range facility in  
3 Caroline County, and then at other off-site locations,  
4 abandoned houses and that type of thing.

5 Q When you have fired frangible rounds

[101:11] - [101:20]

6/27/2000 John Buckovich

• designation of deposition

page 101

10 at a part of the door that did not have -- excuse me.  
11 When you were firing frangible rounds, did you ever  
12 purposefully aim at a part of the door that you  
13 thought did not have hardware in it?

14 A Only time I've ever fired it was at hinges  
15 or the locks.

16 Q And why have you never purposefully aimed  
17 at a part of the door that you did not think had  
18 hardware in it?

19 A As I stated earlier, that's not the way  
20 the round is intended to be used, so I never did it.

21 Q Before Sergeant Ingram killed Christie

[102:22] - [103:1]

6/27/2000 John Buckovich

• designation of deposition

page 102

21 BY MR. CUTHBERT:

22 Q When the FBI people came to Richmond to  
23 train area law enforcement agencies in the use of  
24 frangible rounds, did Sergeant Ingram receive any of  
25 that training?

page 103

1 A Yes, sir, he did.

2 Q After Ms. Green was killed, has there been

[106:25] - [107:20]

6/27/2000 John Buckovich

• designation of deposition

page 106

24 you don't fire through the same hole, certainly.

25 Q Now, before the raid on Dove Street, did

page 107

1 anyone bring to Sergeant Ingram's attention that in  
2 shooting a series of frangible rounds to breach a door  
3 like the one he was attempting to breach that night,  
4 that the shooter should inspect the target between  
5 rounds?

6 A I have no doubt that in training that was  
7 addressed, but at that night, I doubt it was addressed  
8 that night.

9 Q You mean at the Police Academy?

10 A Right. I know I didn't.

11 Q But you think before December 29, 1998, it  
12 was brought to the attention of Sergeant Ingram that  
13 he should inspect the target door between rounds?

14 A Sure. It's standard practice. You're  
15 going to aim each shot.

16 Q And as part of that process, inspect the  
17 door between rounds, correct?

18 A To see if the round had performed the way  
19 it was intended to, to see if it actually knocked out  
20 the lock.

21 Q At any point did the rounds fired by

• designation of deposition

[110:21] - [111:4] 6/27/2000 John Buckovich

• designation of deposition

page 110

20 fire blindly.

21 Q Before Christie Green was killed, was  
22 Sergeant Ingram instructed in accordance with the  
23 lesson plan and specifically page 360 of the lesson  
24 plan to aim at the latch bolt?

25 A Yes, sir.

page 111

1 Q And what is your factual basis for saying  
2 yes?

3 A Because all the members on the SWAT team  
4 are taught from this lesson plan.

5 Q If you're in a practice session before the

[114:24] - [115:5] 6/27/2000 John Buckovich

• designation of deposition

page 114

23 Q We were on this question of turning the  
24 knob before we went off the record. Was it your  
25 testimony that Sergeant Ingram was not trained to turn

page 115

1 the knob between the series of frangible rounds he  
2 shoots at a door to breach the door?

3 A That is my answer. That in between each  
4 shot, you don't fire, check the doorknob, fire and  
5 check the doorknob, no. You check it beforehand.

6 Q Why should the shooter not check the

## **ASSIGNMENTS OF ERROR:**

1. As a matter of law, the trial court in this wrongful death action erred in concluding that the facts did not present a jury issue as to whether the actions of a police officer were willful and wanton or grossly negligent, under the circumstances of this case. (Those circumstances include the following. The defendant Sgt. Ingram, an employee of the Richmond Police Department, fired a 12 gauge shotgun five times at point blank range at an apartment's wooden door in an attempt to gain entry. His ammunition was a #22 TKO -- a specialty round designed to destroy a door's hardware and then disintegrate into a fine (and relatively harmless) powder. Sgt. Ingram was familiar with the #22 TKO, having shot it on ten or so different occasions and even having taught others how to use it. The first #22 TKO severed the door's metal latchbolt and disintegrated into a fine powder. When the door did not open, instead of turning the knob or hitting the door with a battering ram, he fired four more #22 TKOs into the space below where the latchbolt had been and above the knob -- a space where there was no hardware. With each shot he assumed that there might be someone on the other side of the door, and with each of the last four shots he violated the FBI/RPD aiming rule: "AIM SHOTGUN . . . AT THE LATCHBOLT BETWEEN THE LOCK AND THE FRAME." As a result, lethal slug fragments from one of the last four #22 TKOs blasted through the wooden door without hitting metal, killing the plaintiff's decedent -- an innocent, eighteen year old woman.)

2. As a matter of law, the trial court was wrong to conclude that evidence of heroin and guns was somehow relevant and hence admissible, where such evidence was not discovered until after the defendant police officer killed the plaintiff's decedent.



360

**SHOTGUN AIMING  
WOOD DOOR - WOOD FRAME**

***LOCK SIDE ATTACK***

**AIM SHOTGUN WITH A 45-DEGREE  
DOWN ANGLE AT  
THE LATCHBOLT BETWEEN THE  
LOCK AND THE FRAME**

**SHOTGUN AIMING  
WOOD DOOR - METAL FRAME**

***LOCK SIDE ATTACK***

**SAME ATTACK  
AS A WOOD DOOR - WOOD FRAME**

**AIM SHOTGUN AT A 45-DEGREE DOWN  
ANGLE AT THE LATCHBOLT BETWEEN  
THE LOCK AND THE FRAME**

PENGAD-Rayone, N. J.

**PLAINTIFF'S  
EXHIBIT**

**1**

90.5

897-98

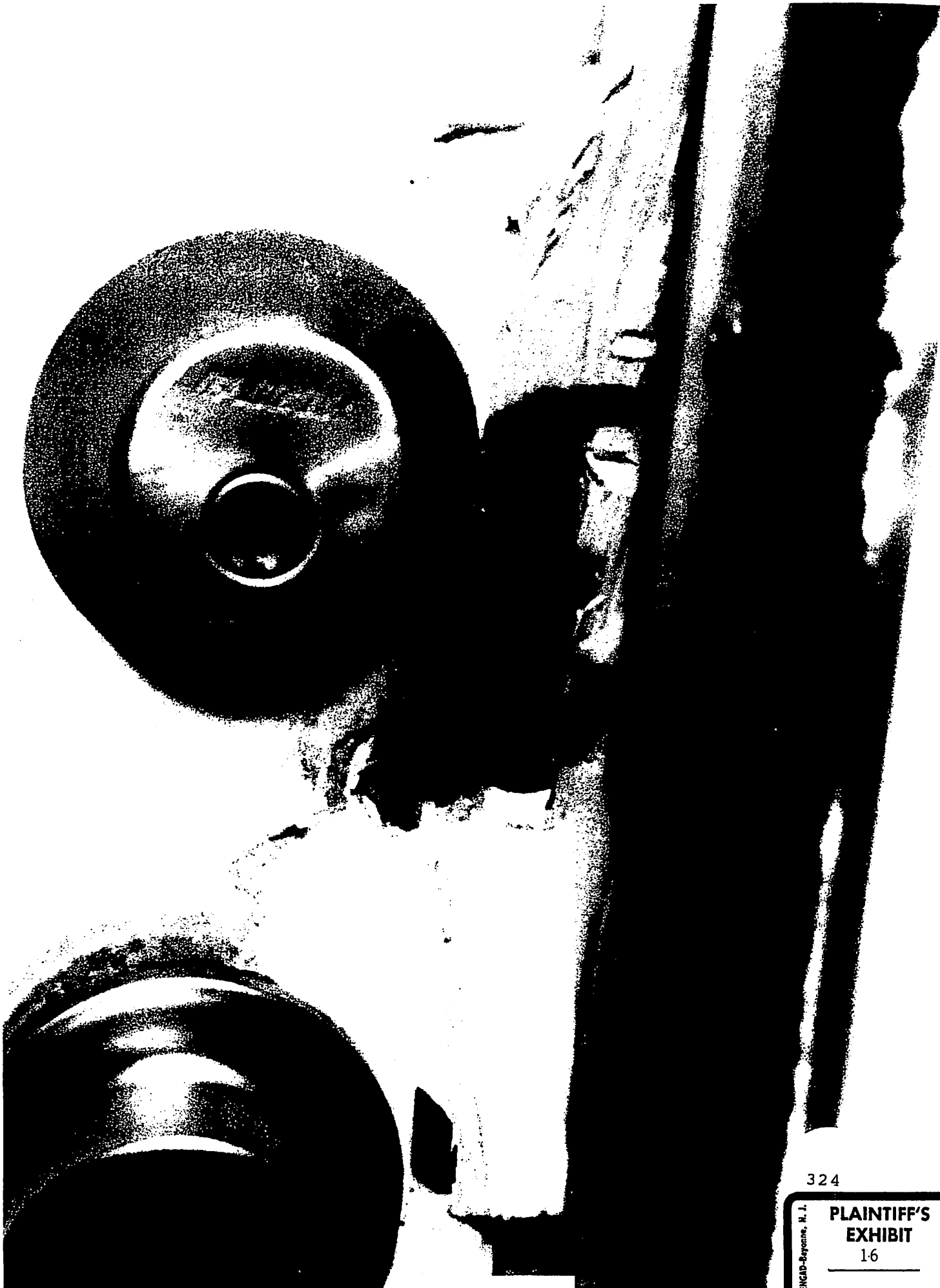
36

PENGAD-Bayonne, N. J.

**PLAINTIFF'S**

PLAINTIFF'S  
EXHIBIT  
3

PENGAD-Bayonne, N. J.



324

ENCAD-Bayonne, N. J.

**PLAINTIFF'S  
EXHIBIT**

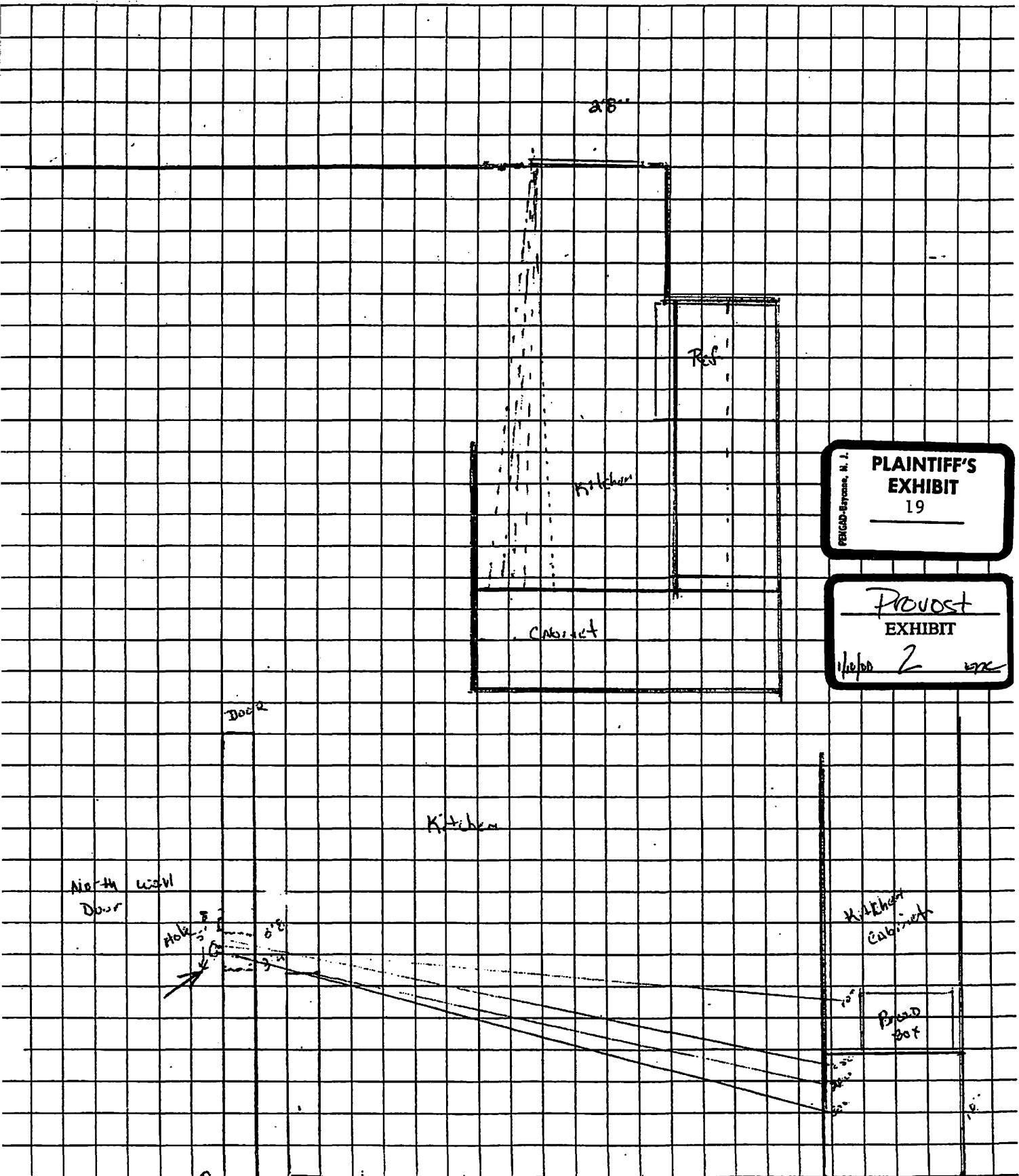
16

SUBJECT: Ten. 2. 1000

DATE: 12-20-98

1112 DAVE St #C Kitchen Door

981229-0805



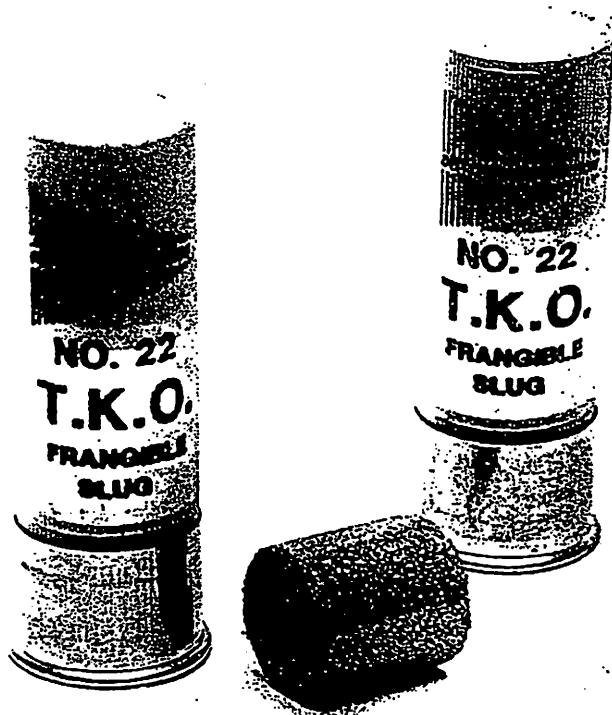
PERCIB-BAYONNE, N. J.  
**PLAINTIFF'S  
EXHIBIT**  
19

Proudost  
**EXHIBIT**  
1/10/98 2

# NO. 22 T.K.O. (TACTICAL KNOCK-OUT) 12-GAUGE FRANGIBLE SLUG

The No. 22 T.K.O. is a high velocity, 12 gauge, frangible slug, made of compressed powdered zinc, which disintegrates into a fine powder upon impact with the target. The only possible fragmentation would be from the target area rather than the slug itself.

This highly effective breaching round is a viable, faster alternative to the time consuming, cumbersome door breaking/ramming devices traditionally used. The recoil from the shot is low enough that the gun can be held with one hand if needed. The slug is more uniform in weight, allowing for greater accuracy.



Specifications subject to change without notice.

- **APPLICATION:**  
When properly applied, this round is capable of defeating door lock mechanisms, door knobs, hinges, dead bolts, safety chains, and padlocks on both hollow and solid wooden doors, as well as standard hollow industrial doors. It is also effective on automobile door and trunk lock mechanisms.
- **OPERATION:**  
Can be used in any standard police shotgun equipped with the No. 100 Stand-Off/Launcher attachment. The Stand-Off is vented, and insures the proper distance between the barrel of the weapon and the target, thus preventing any damages to the barrel. This attachment can also be used to launch the No. 98 Tactical Grenade, and can be left on the shotgun since it will not interfere with firing of standard shotgun ammunition.
- **CONSTRUCTION:**  
Compressed powdered zinc slug loaded in a 12-gauge shotshell.
- **DESIGN FEATURES:**  
CALIBER: 12 gauge  
SLUG WEIGHT:  
21.3 grams  $\pm$  .3 grams  
TOTAL WEIGHT: 1.25 oz.
- **PERFORMANCE:**  
VELOCITY: 1,600 f.p.s.  
Slug disintegrates upon impact
- **REFERENCES:**  
NO. 22 T.K.O.:  
Product Code 3105\*  
NO.100 Stand-Off / Launcher  
Attachment:  
Product Code 1370

\*Sold in packages of five (5) only.

PLAINTIFF'S  
EXHIBIT

25

PERCUT-Defense, N. I.

**DEFENSE TECHNOLOGY CORP. OF AMERICA**  
**P.O. BOX 240 - 2136 OIL DRIVE - CASPER, WYOMING, 82604-1511-U.S.A.**  
**(800) 733-3832 - (307) 235-2136 - FAX (307) 473-2605**

DEFENDANT'S  
EXHIBIT  
3

180



PERKINS-REYNOLDS, N. J.

**DEFENDANT'S  
EXHIBIT**

4



DEFENDANT'S  
EXHIBIT  
5  
PENGAD-849000, M. L.