

Jennings/cont

Q. What directed your attention to him, the shots?

A. No, the sudden rush, you know, because it was just like a surge towards that area where he was eventually shot. This is what brought my attention to it or my focus of vision or my field of vision was pretty well confined from where I was. I was watching Cleaver but the other was in my view.

Q. You saw the motion and then you heard the shots?

A. That's correct

BY LT. VERWER: Q. At the final period here when the shooting occurred involving Hutton, the lighting, how was it, good, fair, bad?

A. Oh, I would say it was fair.

Q. But enough for you to distinguish the officers outlined or

A. There wasn't enough light to really in passing, just glances to distinguish any individual without focusing on that individual

Q. Is there anything else that you would like to state that we 't covered?

No, I don't think so

Q. And reference to diagram or anything?

A. No.

Q. Okay. We'll conclude the statement by Officer Jennings at 6:10 p.m.

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Jennings/cor

Q. Cleaver's hand were up?

A.

Q. Hutton's hands were up?

A. Yes

Q. At what point did the officers and the suspects make contact?

A. Well, at about this point they made contact and as they were encircled I noticed a struggle.

Q. Were they side by side at this point?

A. Well, at this point they would have had to be approximately side by side

BY LT. VERWER Q. Could you recall if Hutton was to the west of Cleaver or to the east of Cleaver?

A. He was to the west of Cleaver

BY SGT. FUGLER: Q. At this point, this is when the officers made physical contact with him?

Yes, they surrounded them and apparently were pushing them towards the street. Now Cleaver was pushed sort of in this direction, sort of in the bushes here, and then they were forced out towards the street

Q. Forced out and they passed the steps now, right?

Yes. See, this is the approximate area where they were pushing them out

BY LT. VERWER Q. For the record, we're referring to a photograph of 1218-28th Street showing the front porch and the walkway leading to the side entrance to 1218 on the first floor.

BY SGT. FUGLER Q. Okay. At this point Cleaver, he is the one that is nude, right?

A. Yes.

Jennings/cont

Q. And the other fellow, what's he wearing?

A. From what I saw he had on a black shirt and black pants.

Q. Okay. When they were out in this position, what happened?

A. Out in this position I noticed the commotion so at first was drawn, you know, to the right and then it was just sort of, you know, rushing towards the street and it seemed to be some type of a struggle

Q. There seemed to be a struggle about where, the bottom of the stairs here?

A. Well, I would say it commenced about in this area where they had encircled them and then started. But to be quite honest with you, it looked like they were being physically forced to the street.

Q. Okay. At some point here you saw Hutton stumble?

A. That's correct. Well, it appeared from where I was that he was stumbling because he was in a very precarious position as far as his body was concerned. I don't believe it would be very conducive to running

Q. And this was then at the corner of the house then?

A. Well it would have to have been about here then

Q. Out toward the foot of the stairs?

A. Because there was a sudden surge toward this direction

Q. By this time Cleaver is over in the shrubbery or bushes?

A. Right

Q. At this time Hutton either stumbles, runs or falls or is pushed in a southwesterly direction?

A. Right.

Q. And he could be either one of those things, stumbled, pushed, bolted to run, is that what you're saying?

Jennings/cont

BY LT. VERWER Or do you rule it out?

A. I definitely rule out running, under the circumstances, I do.

BY SGT. FUGLER: Q. At some point here did you hear anybody say, "He's running" or "He's making a break for it"?

A. No.

Q. But then you heard a shot?

A. Yes

Q. And shortly thereafter a volley of shots after that?

A. They were pretty much simultaneous, it was just the surprise of the first shot that caught my mind.

Q. There was a volley of shots?

A. Yes, immediately preceding.

Q. Then he collapsed on the sidewalk?

A. Right.

Q. These shootings, could you see if it was being done by revolvers or carbines?

A. It was done by a revolver I know, but I actually didn't see a carbine shot. I didn't see any other shots actually than the one I described before

Q. Did you see the person who fired the first shot?

A. All I saw was an officer. At that point I couldn't say who it was.

Q. Could you say if it was a motorcycle man or a patrolman?

A. I couldn't say.

Q. Were there some motorcycle men in this group?

A. I wasn't even paying attention to who was there. All I saw was the officers. My attention was primarily focused on the two suspects

BY LT. VERWER: Q. Let's back up a little bit. In reference to the chart on the yellow sheet which is identified as Officer Eugene Jennings as 11-A. Going back to the position,

Jennings/cont.

identifying Hutton at the corner by the foot of the porch, at the base of the porch, just east of the porch, the corner, this is the position in which you indicate that he stumbled or

A. In that general area. I could not pinpoint it exactly

Q. Can you show by a dotted line the course or direction in which Hutton took from that which you describe as a south-westerly direction? You can use a dotted line and indicate in relation to this porch, sidewalk and lawn area where Hutton finally, where you last saw Hutton on the pavement

A. It would be approximately on that angle

Q. Let's see, Cleaver's position we'll identify with a position 3-C. Position 4-H for Hutton and then from a position 4 in the southwesterly direction by a dotted line as indicated by Officer Jennings to the position of 5. Do you want to mark this as to where you were and we'll make this position 5-H.

BY MR. McDONOUGH: Q. Did you hear anybody say, "Watch out, he's got a gun," or anything like that?

A. No, I didn't. At the time the officer next to me turned to me and said, "Oh, my God, I hope he had a gun," and apparently he didn't hear it either.

BY SGT. FUGLER: Q. Who was next to you?

A. I don't remember the officer's name. I know him when I see
It's one of the older officers but I didn't hear anything.

BY MR. McDONOUGH: Q. Did you see his hands at all?

A

Q. Where were they?

They were in a position like this. (Officer Jennings holds up his hands.) As if he was warding off possible blows or whatever. This is what rules out that he was bolting. This is the approximate position