

EXHIBIT 1

EXHIBIT 1



Send Rod a Message

Rod Brooks Add as Friend

Wall Info

People who aren't friends with Rod see only some of his profile information. If you know Rod personally, send him a message or add him as a friend.

About Me

Basic Info Sex: Male Looking For: Networking

Bio Ex-military, journalist and writer, IT project manager... now 911 operator and trainer with Victoria (BC) police department. Married to Valerie Harlton, 2 sons: Ryan/Amanda Brooks, Edmonton, AB, grandkids Jackson,5, twins Maya and Avery,3; Dr Lonnie Brooks/Delee DeCap, Regina, SK.

Favorite Quotations An Irishman, a rabbi, and a 911 operator go into a bar... Wait, no... An Irishman, a rabbi, and a 911 operator with a monkey go into a bar...

Education and Work

Employers Victoria Police Department

Contact Information

Website http://iama911operator.org

As usual, busy with my 911 news blog... Hope you are all checking it out on a regular basis.

Information

Website: http://iama911operator.org

Friends

36 friends See All



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Carl's Jr.



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EXHIBIT 2

EXHIBIT 2

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Jul. 14, 2010
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LV officer at Costco recorded in 911 call

Official says police shout at victim: 'Get on the ground'

By [LAWRENCE MOWER](#)
AND [BRIAN HAYNES](#)
LAS VEGAS REVIEW-JOURNAL

A 911 call made by a Summerlin Costco employee captures police shouting orders to 39-year-old Erik Scott before the U.S. Military Academy graduate was shot and killed, according to Las Vegas police.

Capt. Patrick Neville said an employee was talking to dispatchers and was close enough to the scene on Saturday that a recording of the conversation caught an officer clearly yelling, "Get on the ground."

Police have refused to release the recording. Investigators hope to review store surveillance video, but Neville said he didn't know whether any video of the shooting existed.

The Saturday shooting at the store near Charleston Boulevard and the Las Vegas Beltway took place after employees ordered an evacuation. As customers streamed out of the store, officers waited with their guns drawn for Scott to exit. Police said that when three officers confronted him, Scott refused orders and instead withdrew a handgun and pointed it at them.

Dozens of people witnessed the event, and many disagree on whether Scott pulled a gun and aimed it at officers, as police have alleged. The Review-Journal has interviewed six witnesses. Two claim to have seen Scott pull out a gun, and one of the two said it was in a holster.

Investigators have interviewed more than 40 witnesses, including more than a dozen who said they saw Scott with the gun in his hand and out of his waistband, Neville said.

Witnesses have also disagreed on what they heard police order Scott to do. Some heard, "Get on the ground," while others heard "Drop it," or "Get down."

Such wide discrepancies in witness reports are not unusual, experts say. They also arise in officer-involved shootings in Southern Nevada. Numerous witnesses in the controversial 2008 shooting of ice cream truck driver Deshira Selimaj by a Henderson police officer reported that the woman did not have a knife. Police said the woman was wielding a knife, prompting officer Luke Morrison to fatally shoot her. The knife recovered from Selimaj was used as evidence in a Clark County's coroner's inquest on the shooting.

Paul Michel, an optometrist, former police officer and expert on eyewitness accounts, said eyewitnesses are "notoriously unreliable."

"Unless someone happens to be staring right at a gun in somebody's hand, it would be difficult to impossible to differentiate it from a cell phone or a camera or an empty hand," said Michel,

who is based in Denver.

He said people are too trusting of their peripheral vision.

"The frailties of our vision are not perceived by us," Michel said.

He suggested people try a simple test: focus on a picture on a wall from about eight feet away; then divert your eyes about five feet away from the picture and try to use your peripheral vision to make out what is in the picture. People have difficulty making out any detail in the picture, he said.

Police officers also have the same problem, Michel said. Officers are trained to look for threats, and in particular, a suspect's hands. And when an officer focuses on a threat, such as a weapon in someone's hands, they tend to lose all perception of anything around them, including other bystanders.

Roy Malpass, a professor of psychology who runs the Eyewitness Identification Research Laboratory at the University of Texas, El Paso, said memory can also be influenced by the moments immediately after a traumatic event. A person shouting, "He didn't have a gun" seconds after the incident could subconsciously affect how another witness remembers the event.

"If you get to people and ask them not very long after an event like that, you'll find that things will creep into their memory that aren't memories," Malpass said.

He added that evidence shows that officers are usually better witnesses at crime scenes because they're trained to know what to look for, similar to how lifeguards are trained to look for signs of someone drowning. But Malpass said that when the officers themselves are involved in the traumatic event, they are shown to be no more reliable than anyone else.

Neville on Monday also addressed the incident which prompted Costco to call police. He said the incident started when a customer reported seeing Scott opening boxes and removing water bottles, putting some in his cart and some on the floor.

During a heated discussion with Scott, a security worker confronting him over the opened boxes noticed Scott's gun in his waistband, Neville said.

Some time passed before a Costco employee called police to report a man with a gun who was acting erratically in the store, he said.

"He was doing something out of the norm," he said.

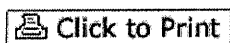
A witness the Review-Journal spoke to on Monday said he observed Scott opening the package in the aisle. He described Scott's voice while discussing the situation with a Costco employee as "elevated."

A corporate spokesman for Costco has not returned repeated requests for comment.

Contact reporter Lawrence Mower at lmower@reviewjournal.com or 702-383-0440. Contact reporter Brian Haynes at bhaynes@reviewjournal.com or 702-383-0281.

Find this article at:

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EXHIBIT 3

EXHIBIT 3

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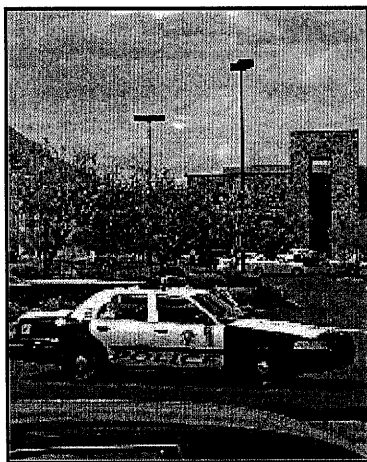
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Las Vegas officer at Costco shooting recorded in 911 call

Filed in [911 News](#), [News](#) on July 16, 2010 with [2 comments](#)



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By *LAWRENCE MOWER and BRIAN HAYNES* | *Las Vegas Review-Journal* | July 14, 2010

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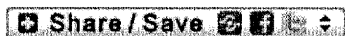
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1. *Mick* says:

July 20, 2010 at 9:23 am

"He was doing something out of the norm," he said.

So that's grounds to call police and shoot a citizen?



2. *philip964* says:

July 30, 2010 at 6:24 am

The police have refused to release the 911 tape and the video at the store of the killing of Erik Scott. They have now indefinitely postponed the inquest into Erik's killing.

For what started out as police shooting a madman brandishing and pointing a gun at police officers, it has now turned into something different. The victim Erik Scott is a West Point Graduate and Masters degree holder from Duke. A former tank commander until three weeks ago a happy handsome 35 year old successful Medtronics salesman, Erik had gone with his girlfriend to by things for their new apartment together. She exited with him and got to see him gunned down as officers shouted conflicting orders at him.

His lawyer has reported that of the seven shots, five were in the back while he was on the ground. Erik had a concealed handgun permit and Costco had no signs prohibiting weapons. Nevada is an open carry state. Erik was concealed carrying that day.

Many witnesses including the one in the TV interview <http://www.mynews3.com/story.php?id=24018&n=5035> saw both his hands and did not see him with a gun.

Much of the anger at Costco surrounds the 911 call which put the police officers on a very heightened sense of alert. Since the tapes have not been released, many suspect the 911 caller may have "juiced" the call to get the police there quicker.

No matter how this turns out this is a very sad story on the ending of a very young and promising life.

Please visit Erik Scott's memorial on Facebook and leave a message for his family.

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EXHIBIT 4

EXHIBIT 4

-APPLICATION-

Title

Title of Work: LV officer at Costco recorded in 911 call. Officials says police shout at victim: 'Get on the ground'.

Completion/Publication

Year of Completion: 2010

Date of 1st Publication: July 14, 2010

Nation of 1st Publication: United States

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Certification

Name: Steven A. Gibson

Date: September 21, 2010

Applicant's Tracking Number: 0002099

Registration #:

Service Request #: 1-490417798

Application Date: 09-21-2010 17:44:01

Correspondent _____

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