

Datestamp: 07/01/2008

Shooter calm during spree

Witnesses recall gunman's lack of anxiety

Editor's note: Tucson police Officer Erik Hite was killed one month ago during a crosstown shooting spree. Tucson Citizen reporter Renée Schafer Horton reviewed hundreds of pages of Pima County Sheriff's Department and Tucson Police Department reports, listened to recordings of 911 calls and dispatches and law enforcement radio transmissions, and interviewed witnesses to reconstruct what happened that tragic day. Law enforcement agencies declined interviews.

RENÉE SCHAFFER HORTON

rshorton@tucsoncitizen.com

At 9:49 a.m. on Sunday, June 1, Pima County sheriff's Deputy David Baird was asked to respond to a "shots heard" call in a neighborhood of new homes north of Cortaro Farms Road. In the eight minutes it took him to arrive in the 8400 block of North Placita de la Manzana, the dispatcher relayed more information: Witnesses were reporting that a white male had shot at two homes in the area before fleeing in a late-model, red Mustang convertible.

"Suspect had the top down and was wearing camo fatigues," the dispatcher said.

There was no information as to where the shooter was headed.

Doing the speed limit

It takes about 12 minutes, if you don't exceed the speed limit, to drive east from Placita de la Manzana down Cortaro Farms to where it curves into Magee Road, south to Ina Road and east to Oracle Road. According to witness reports, the camouflage-clad man in the red Mustang never brought attention to himself by speeding.

He was driving so carefully that Christopher Devol, a homeless musician who spends mornings on the patio of the Starbucks at Ina and Oracle watching traffic, didn't even notice him. At least not until the shooting started.

It was about 10 a.m. and Devol, 54, had settled into his regular table on the west side of the Starbucks entrance, his backpack, guitar and sleeping roll gathered around him.

"I was looking that way," he said, pointing west down Ina, "when I heard a bang, bang, bang, bang, bang, bang! It came from behind me, so I turned around and saw the red Mustang - it was in the right-hand turn lane, just sitting there - and the gun pointed up (north) Oracle. People started yelling, 'Call 911!' and parents were saying to their kids, 'Get inside! Get inside!' "

Devol said the incident felt surreal, because the man shooting was "totally calm."

"It was a Sunday, and it felt completely usual except for the noise (of the gunfire)," he said. "I went inside for a minute, but I came back out because I just didn't get the feeling he'd turn on us. He was aiming for

something else."

That something else was Deputy Eric Cervantez, whom Devol said he didn't notice "until he went screaming down Oracle, lights flashing, chasing the guy."

Devol was curious about the casings from the gun, which he described as "an AK-47 type."

"I knew all the traffic on Oracle would destroy them, so I went over and picked them up," he said. "One was on the sidewalk, but the rest were in the road. I used a napkin, so I wouldn't get fingerprints on them."

Devol brought the casings back to his table and waited.

"There's an Oro Valley cop who comes here for coffee in the morning and . . . when I saw him, I gave them to him," Devol recalled. "He said I saved him the trouble of looking for them."

Shinns first see shooter in Mustang

Jerry Shinn, 49, typically has two options for Sunday mornings: He either enjoys a walk with his wife and their chocolate cocker spaniels, or attends church at one of a handful of Northwest Side congregations. On June 1, however, the Shinns decided to go to an East Side church after hearing a friend rave about the services.

Because of that decision, they found themselves sitting at a red light at Ina and Oracle at 10 a.m., next to a late-model convertible in the right-turn-only lane.

"I looked over and saw he had a long-sleeved camouflage shirt on, and it looked homemade - there was confetti-looking stuff on the arms, like fringes," Shinn said. "I made the comment to my wife that maybe he was going to a young child's birthday party and he's going to be a tree. No sooner than I said that, I see him sit up tall, sticking his head out of the vehicle. He took his left arm and pointed to the intersection and then pointed abruptly to the ground - it was a motion to stop."

Shinn looked to see what the driver was pointing at and noticed a Sheriff's Department vehicle positioned in the middle of the intersection.

"Then it happened so fast - I looked back, the first shot was being fired," Shinn said. "It was a really weird, empty feeling. Everything was dead silent except for the shots. I looked at the squad car and could see the hole in the windshield in the area of the steering wheel and I couldn't see the officer. I made a comment to my wife, 'I think that officer is dead.' "

The driver of the convertible turned slowly down Oracle, keeping his eye on the squad car, Shinn said. When he completed the turn, Shinn saw Deputy Cervantez get to his feet, fire rounds down Oracle and then get in his car and take up the pursuit.

"I asked my wife what to do and she said there were people there to give a report and we could call someone later and tell what we saw," Shinn said. "So we headed east on Ina toward church."

Deputy Cervantez injured

According to the Sheriff's Department's radio transmissions for that day, Cervantez arrived at the Ina-Oracle intersection having heard a description of the red Mustang at the Placita de la Manzana shooting. Much of his radio transmission is garbled by traffic noise and wind, but one thing stands out: Breathing quickly, Cervantez

said, "I'm 998" - police code for "officer-involved shooting." He said that his vehicle was compromised and he was heading southbound on Oracle after the Mustang.

"I'm bleeding," Cervantez said. "I don't know if I'm hit."

The dispatcher and other deputies tried to determine Cervantez's exact location, asking him what his nearest cross streets were. There was no immediate response.

Shinns see shooter again

As Jerry Shinn and his wife crossed the intersection of Ina and North First Avenue, something caught his eye.

"It was a red Mustang with a guy wearing camouflage," he said. "I knew immediately it was the same person. My wife said, 'It can't be. Five minutes ago the police were chasing him down Oracle.' Then she looked at him and said, 'Oh, my gosh, it's the same camouflage. Call 911.' "

Shinn slowed down to let the Mustang pass, and used his cell phone to dial the emergency number.

"I spoke to a lady, and told her what I witnessed at Ina and Oracle and that the vehicle had just passed me and I believed that everyone was following him south on Oracle, when he was going east on Ina and it was about to turn to Sunrise," Shinn said. "She wanted a complete description of the car and him and a license plate number."

The Mustang had passed Shinn and another car, then merged into the right lane. Shinn moved into the left lane, pulled even with the car directly behind the Mustang and got the information for the 911 operator. Then he slowed down, putting space between himself and the Mustang.

"I didn't want to be too close, but I wanted to keep an eye on him," Shinn said.

The Shinns kept following the Mustang, staying on the line with 911. Just before reaching the intersection of Swan and Sunrise roads, they saw a Sheriff's Department car going west with emergency lights on, possibly responding to the previous call of an officer-involved shooting.

"I told the dispatcher they were going the wrong way," Shinn said. "A few seconds later, she said, 'Are you still heading east?' At that point, we were about three cars behind (the Mustang) and I knew we were the only ones who knew where this car was at. I told her he was getting ready to go southbound on Swan and I'd probably lose him. She said to just worry about my safety, but if I caught back up, to call her back."

Shinn watched the Mustang turn south on Swan Road, helpless to catch up. When he got to the light and turned, the Mustang was nowhere in sight.

"To be honest with you, I subconsciously sped because I knew if he got past River Road or into those small neighborhoods, he could hide out and they might not find him," Shinn said.

After a few hundred yards, the Shinns spotted the Mustang in the left-turn lane at River Road. The Mustang turned east on River and Shinn followed, a few cars behind. They caught up to the Mustang rather quickly because it was stuck behind a car going slowly on River.

"I called back 911 and told her he was going eastbound on River from Swan," Shinn said.

After crossing North Craycroft Road, Shinn saw a Sheriff's Department car pass him and the Mustang going

west on River Road.

"I say to the (911 operator), 'This is the third vehicle that's passed us going the wrong way!' and then, within a minute there was a sheriff's vehicle behind us. We pulled to the side of the road, told the dispatcher there was an officer on scene and hung up. I pulled into a driveway on the north side of River and my wife said, 'What are you doing?' I said, 'That guy is going to shoot at that cop and I want us out of the way.' "

TPD officers join pursuit

Tucson Police Department officers had been advised of the Mustang's travel early on, in case it headed into the city. As word came of it heading toward East Tanque Verde Road, officers on the East Side of town left their patrols and off-duty jobs and headed in that direction.

About 10:20 a.m., Sgt. Jennifer Turner advised other officers that she was following the Mustang eastbound on Tanque Verde near Udall Park. She was joined by three other Tucson police officers. According to the Tucson police incident report from June 1, Turner saw the Mustang's driver put a weapon over his shoulder as he drove, and fire at the officers. They continued the pursuit. Just before the Tanque Verde Road/Pantano Road overpass, the Mustang's driver fired a shot and hit Turner's windshield.

Officer Erik Hite was heading north on Houghton Road to try to intercept the Mustang. When he reached Tanque Verde Road, he turned west heading toward the eastbound Mustang and the Tucson police officers pursuing it. Simultaneously, deputies set up road spikes at the intersection of Tanque Verde and Houghton Road.

According to the incident report, the Mustang passed Hite going east and Hite made a U-turn, inserting himself between the Mustang and Turner and the other officers. Turner warned him via radio that the Mustang's driver was firing at officers and to stay back. Just before Houghton, the Mustang made a sharp left turn onto North Tomahawk Trail, followed closely by Hite.

A neighborhood couple were driving south on Tomahawk at that moment, and the Mustang nearly collided with them. They swerved to the right to avoid a collision and, according to Tucson police reports, they heard gunshots, then silence.

The husband got out of his car, noticing two police cars, one of them "smoking from the radiator." He also noticed the Mustang fleeing northbound with a Sheriff's Department squad car chasing it. Then, according to the report, he saw a police officer "slumped over in his marked patrol vehicle."

Coming to aid of Hite

Turner didn't see Hite get shot, but according to the incident report, she heard multiple shots after Hite turned onto Tomahawk. As she negotiated from Tanque Verde to Tomahawk, she saw Hite's vehicle "slowly rolling off the paved roadway."

According to witnesses in the incident report, Turner ran from her vehicle to Hite's, opened the door, removed him from the car, laid him on the ground and began lifesaving efforts. Other officers arrived, and Officer Mike Thiffault, who was directly behind Turner, issued an "officer down" call over the radio.

On one frequency, Rural Metro Fire Department paramedics heard of a vehicle fire in the area of Tanque Verde and Tomahawk and proceeded to respond. En route, they heard the "officer down" call.

Tucson Fire Department paramedics arrived shortly thereafter, and a Tucson firefighter remembered that "the

female officer was given the task of taking off Officer Hite's shoes and socks to keep her focused because she was visibly upset."

Cyclist's route

On any given Sunday, beginning at about 6 a.m., the road leading up to Mount Lemmon is crowded with bicyclists who want to train on the mountain's circuitous route. They go early to beat the heat and often meet before the ride at Le Buzz Caffe, at the northeast corner of Tanque Verde Road and Catalina Highway.

Usually, Derek Eysenbach, a 29-year-old competitive cyclist, is there on his black Cannondale Six13, but on June 1, he didn't get to the base of the mountain until 9:45 a.m.

"I was just tired and lazy that day and I slept in," said Eysenbach, a University of Arizona geography grad student.

He parked his car in the strip mall on Catalina Highway, unloaded his bike, strapped on his helmet and headed up the road about 10:15 a.m. He knew he'd have to watch out for two things since he was cycling alone: the heat and motorcycles.

"On Sundays, dozens and dozens of motorcyclists are tearing up and down the mountain," he said. "There's only one deputy up there on Sundays, so they just kind of go wild."

Heading up Catalina Highway

Sheriff's deputies were chasing the red Mustang northbound toward Catalina Highway when Eysenbach began his ascent. Deputy Tory Schwartz called the Mount Lemmon Fire Department to relay a message to Deputy Luis Palma, who was stationed at Milepost 19, to head down the mountain in case the Mustang started up Catalina Highway.

According to Palma's incident report, he was monitoring radio transmissions, and about 10:30 a.m., he heard Schwartz announce that the Mustang was heading up the mountain, with Schwartz in pursuit. About seven minutes later, Schwartz yelled, "Shots fired, shots fired, shots fired! . . . I'm hit - northbound on Catalina Highway Milepost 2 - again, I'm hit."

Palma set up partial road blocks at Milepost 7, where, according to his incident report, "I had great visibility down the road." He diverted southbound traffic to a safe location and got out his shotgun. "I'll be out of my vehicle, standing by with a shotgun," Palma said in the radio transmission.

The wounded Schwartz notified everyone that his injury was not life-threatening and, breathing heavily, replied to Palma, "Take up a good position. . . . He will shoot at you."

Palma then asked for confirmation of what he was looking for: "Red vehicle, right? Red vehicle?"

Mustang's driver sitting quietly

Eysenbach encountered his first motorcyclists at the fee station just below Molino Basin, near Milepost 6, about 10:30 a.m.

"I noticed them because they were going slower than motorcycles typically go up on Sundays," Eysenbach recalled. "There was a Mustang that was more or less tailgating them and I thought it was just weird, you know, a bunch of motorcycles and one car."

Witnesses recall gunman's lack of anxiety

A few minutes later, Eysenbach pulled into Molino Basin, looking for shade. The camping and picnicking area has a doughnut-shaped parking lot circling some camping toilets. To the left of the toilets is a camp road winding through the basin, but in the summer, that road is closed by a gate. His favorite shade tree was occupied by a group of young men drinking beer in the bed of a red pickup truck, so he went toward the camp road.

"The Mustang was parked in front of the gate and I thought, 'Huh, there's that Mustang,' " Eysenbach recalled. In the car, the driver was sitting quietly.

"I noticed he was wearing some ratty camouflage pullover and I figured he was an out-of-season hunter," Eysenbach said. "I went up about 10 or 15 meters to the next tree and stood there and caught my breath."

A minute or so later, the wail of police sirens streamed into the basin and Eysenbach looked over at the Mustang. The driver was standing next to it.

"The sirens were getting louder and I could tell there were a lot of them, so I started rolling my bike back down the camp road to go look and see what was happening," Eysenbach said. As he passed the Mustang, he noticed "a military-style rifle" in the front seat.

"I was a few feet from the suspect and he said something like, 'They're coming for me,' and my next thought was, 'This idiot's out shooting cactus or birds'," Eysenbach recalled.

It never occurred to Eysenbach that the Mustang's driver might be in more serious trouble because he seemed completely calm, even when a deputy screeched into Molino Basin, jumped from his car and drew his weapon.

"I hit the ground and then they got to him and cuffed him and got him to their car," Eysenbach said. "I looked at the road and there was literally a train of police cars coming up the mountain. I had no idea what happened, but by then I knew it wasn't hunting."

Authorities kept witnesses on the mountain for questioning, and Eysenbach didn't get back to his vehicle until after 4 p.m., under the escort of a deputy. It took him an hour to get home because so much of Tanque Verde was a crime scene. When he arrived, he checked the Web sites of the local papers.

"At that point, having the whole story, I thought it would have been so easy for (the Mustang's driver) to ambush the deputies because the left turn into Molino is blind," he said. "Or he could have taken us hostage or shot himself.

"But he didn't do any of that. He just stood there and waited."

June 1 timeline

1. 9:49 a.m.: Pima County Sheriff's Department dispatchers relay 911 calls of "shots heard" in the 8400 block of North Placita de la Manzana. Residents report seeing a white male in camouflage fatigues in a red Mustang convertible and provide deputies with its license plate number.

2. About 10 a.m.: Deputy Eric Cervantez confronts the driver of a red Mustang at the corner of West Ina and

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North Oracle roads. The driver shoots at Cervantez, striking the deputy's vehicle and his right shoulder, then heads south on Oracle. A motorist witnesses the shooting.

3. About 10:10 a.m.: The motorist sees the red Mustang heading east on East Ina Road at North First Avenue and follows, relaying his location to a 911 operator.

4. The Mustang turns south on North Swan Road, the motorist still following.

5. The motorist follows the Mustang east on River Road. Deputies pick up the chase just west of North Craycroft Road.

6. The Mustang's driver shoots at but misses Deputy Jose Velasco at East River and North Sabino Canyon roads. The Mustang turns south on Sabino Canyon Road.

7. About 10:20 a.m.: Tucson police Sgt. Jennifer Turner sees the Mustang near North Sabino Canyon and East Tanque Verde roads. She and several other police officers and sheriff's deputies pursue the Mustang east on Tanque Verde.

8. From 10:20 to 10:26 a.m.: Officers remain in pursuit. The Mustang's driver shoots and hits Turner's windshield near the Tanque Verde-Pantano overpass. Flying glass cuts her arms, but the officer continues pursuit.

9. 10:20 a.m.: Deputies place road spikes at East Tanque Verde and North Houghton roads. Officer Erik Hite, northbound on Houghton, turns west onto Tanque Verde.

10. Hite encounters the eastbound Mustang and makes a U-turn, putting himself between it and pursuing officers.

11. 10:27 a.m.: The Mustang makes a sharp left turn to head north on Tomahawk Trail, followed by Hite, Turner and other officers. The Mustang's driver shoots, striking Hite in the head. Turner stops to render aid to Hite. She removes him from his vehicle.

12. 10:34 a.m.: Deputies chase the Mustang north on Catalina Highway toward Mount Lemmon. At Milepost 2, a bullet grazes Deputy Tory Schwartz's head.

13. About 10:45 a.m.: David Nickolas "Nick" Delich surrenders to deputies at Molino Basin between Mileposts 5 and 6 on Mount Lemmon. Hite is airlifted to University Medical Center at 10:55 a.m.

Tucsonan, 25, charged in slaying

* David Nickolas "Nick" Delich, 25, has been indicted on a first-degree murder charge in the death of Officer Erik Hite; four charges each of attempted first-degree murder and aggravated assault and three charges of drive-by shooting in connection with shots fired at other law enforcement officers; four more aggravated assault charges; two charges of shooting at two homes; and one charge of fleeing from police. He is being held in the Pima County Jail on a \$3.5 million bond.

* Hite, 43, died at 12:53 p.m. June 2 at University Medical Center, the day after he was shot in the head.

* Wounded sheriff's deputies Eric Cervantez and Tory Schwartz were treated and released from University Medical Center the day of the shooting.

Caption: The intersection of Ina and Oracle roads is cordoned off after the driver of a red Mustang shot at a Pima County sheriff's deputy on June 1.

Publication: Tucson Citizen

Section: Local

Source: Citizen Staff Writer

Edition:

Page: 1A

Book: A

Byline: RENÉE SCHAFER HORTON

From: