

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF MULTNOMAH

3 )  
4 State of Oregon, ) No. 17-CR-79888  
5 )  
6 Plaintiff, )  
7 v. )  
8 )  
9 Tyler W. Nees )  
10 )  
11 Defendant-Appellant. )

12 **TRANSCRIPT OF PROCEEDINGS**

13 **Ricardo Hernandez Interview**  
14 **PPB Case No: 17-395715**

15 **Date:** December 2, 2017

16 **Time:** 1834 Hours

17 **Location:** Portland Police Bureau  
18 Large Conference Room  
19 Portland, Oregon

20 **Conducted by:**

21 Detective Scott Broughton  
22 Portland Police Bureau

23  
24  
25 **Transcribed From Electronic Recording By:**

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## P R O C E E D I N G S

## Ricardo Hernandez Interview 12-02-2017 1834

DET. BROUGHTON: It's Saturday, December 2nd, 2017, 1834 hours. On Portland case number 17-395715. In the large conference room with Ricardo.

This is Detective Scott Broughton.

So, Ricardo, would you please state and spell your whole name for me?

MR. HERNANDEZ: Uh, Ricardo Hernandez; R-i-c-a-r-d-o, H-e-r-n-a-n-d-e-z.

DET. BROUGHTON: And what's your birthday?

MR. HERNANDEZ: July 28, 1989.

DET. BROUGHTON: Okay. And what's your address?

MR. HERNANDEZ: 821 Harritt Drive N.W., Salem, Oregon, apartment 231.

DET. BROUGHTON: Okay. And what's the ZIP code there?

MR. HERNANDEZ: Uh, 97304.

DET. BROUGHTON: And would you spell the -- the street name for me?

MR. HERNANDEZ: H-a-r-r-i-t-t.

DET. BROUGHTON: Okay. And what's your phone number?

MR. HERNANDEZ: 503-475-1315.

DET. BROUGHTON: And, Ricardo, are you aware

1 that this conversation is being recorded?

2 MR. HERNANDEZ: Yes.

3 DET. BROUGHTON: And is that okay with you?

4 MR. HERNANDEZ: Yeah.

5 DET. BROUGHTON: And are you aware that you're  
6 speaking with me voluntarily?

7 MR. HERNANDEZ: Hm-mm. Yeah.

8 DET. BROUGHTON: And that -- and that you're not  
9 in custody?

10 MR. HERNANDEZ: Yes.

11 DET. BROUGHTON: Okay. And, -- and so, shortly  
12 before we turned the tape on, you -- my understanding is  
13 that you drive for Uber; is that correct?

14 MR. HERNANDEZ: Yes.

15 DET. BROUGHTON: And as part of that driving,  
16 you have a dash cam that records audio and video?

17 MR. HERNANDEZ: Yes.

18 DET. BROUGHTON: Okay. And then shortly before  
19 we turned the recording on, you brought the camera up to  
20 the 13th floor here with me; is that right?

21 MR. HERNANDEZ: Yes.

22 DET. BROUGHTON: And -- and then -- and then I -  
23 - I downloaded three video files off of your camera?

24 MR. HERNANDEZ: Yes.

25 DET. BROUGHTON: And is that okay with you that

1 I did that?

2 MR. HERNANDEZ: Yes.

3 DET. BROUGHTON: Okay. And so what I would like  
4 to discuss with you is the fare depicted in the video.

5 And so what can you -- you know, from beginning  
6 to end, from when you picked up the fare to when you --  
7 when you -- when you dropped the fare off, can you tell me  
8 what -- tell me about that?

9 MR. HERNANDEZ: Well, like every other fare, um,  
10 I showed up. He was already there, waiting for me. As  
11 soon as he got in the car, said hello and whatnot.

12 And so as we watched the video, he said that he  
13 wanted to go to Seattle and that he would give me a gold  
14 chain and a gold ring in exchange for it.

15 And I had refused him because I was already  
16 tired. I didn't think I would make it to Seattle. So he  
17 wanted to go up there pretty bad, though.

18 DET. BROUGHTON: Okay.

19 MR. HERNANDEZ: For -- to see his girlfriend is  
20 what he said.

21 DET. BROUGHTON: Okay.

22 MR. HERNANDEZ: Or his little girl -- soccer  
23 team girl.

24 DET. BROUGHTON: Okay.

25 MR. HERNANDEZ: And after that, you know, he

1 started talking about getting on a cruise ship and then  
2 going fishing to make money.

3 DET. BROUGHTON: Okay.

4 MR. HERNANDEZ: And other things that he said  
5 would be comments about, like, him, you know, dating girls  
6 and, you know, having intercourse or whatever.

7 DET. BROUGHTON: Okay.

8 MR. HERNANDEZ: And that's basically it. And I  
9 dropped him off, and that was -- that was it.

10 DET. BROUGHTON: Now, uh, in -- in the video  
11 where it shows you pulling to the curb, do you recall what  
12 street that was on that you were pulling to the curb?

13 MR. HERNANDEZ: I do not remember exactly. Was  
14 the --

15 DET. BROUGHTON: Okay. Was -- is it shown on  
16 your Uber app there? Does it tell you?

17 MR. HERNANDEZ: Yeah. It tells me exactly where  
18 I dropped him off there.

19 DET. BROUGHTON: It doesn't?

20 MR. HERNANDEZ: It does.

21 DET. BROUGHTON: Okay. And so what is -- what  
22 does your Uber app say about where you dropped him off?

23 MR. HERNANDEZ: I dropped him off at S.E. 39th  
24 Avenue and N.E. Cesar Chavez Boulevard.

25 DET. BROUGHTON: Okay.

1 MR. HERNANDEZ: Portland, Oregon.

2 DET. BROUGHTON: Okay. And, um, do you recall  
3 if you saw an address about where you dropped him off at?

4 MR. HERNANDEZ: I do not recall the address or  
5 the house number.

6 DET. BROUGHTON: Okay. Is there anything  
7 distinguishing about the house that would make it readily  
8 identifiable?

9 MR. HERNANDEZ: Uh, not that I remember. It's  
10 pretty dark.

11 DET. BROUGHTON: Okay.

12 MR. HERNANDEZ: But I did see the -- that tree.

13 DET. BROUGHTON: And what tree -- what tree are  
14 you talking about --

15 MR. HERNANDEZ: The -- the one with the lights.

16 DET. BROUGHTON: Okay. Like Christmas tree  
17 lights?

18 MR. HERNANDEZ: Yeah.

19 DET. BROUGHTON: Okay. How tall do you think  
20 that tree was

21 MR. HERNANDEZ: Uh, shit. I don't even remember  
22 how exactly.

23 DET. BROUGHTON: I mean, was it, like, a regular  
24 Christmas tree size, or was it 10 feet, 20 feet --

25 MR. HERNANDEZ: It must have been, like -- like,

1 10 feet, I think.

2 DET. BROUGHTON: Okay.

3 MR. HERNANDEZ: Maybe.

4 DET. BROUGHTON: And were there Christmas lights  
5 on it?

6 MR. HERNANDEZ: Yes.

7 DET. BROUGHTON: Okay. And did you see this  
8 person -- this Uber fare -- did you see this person go  
9 into a house?

10 MR. HERNANDEZ: Yeah.

11 DET. BROUGHTON: And was that house associated  
12 with that Christmas tree, to your -- to your knowledge?

13 MR. HERNANDEZ: Yeah. To my knowledge, yeah.

14 DET. BROUGHTON: Okay. I mean, for what I --  
15 what I'm getting at is did that tree appear like it was in  
16 the yard of the house this person went into.

17 MR. HERNANDEZ: Yeah. That's what it appeared.

18 DET. BROUGHTON: Okay. And did this person have  
19 to knock on the door, or did they just walk right in?

20 MR. HERNANDEZ: I believe he just walked in.

21 DET. BROUGHTON: Okay. Do you recall seeing if  
22 there were any lights on?

23 MR. HERNANDEZ: No. There was no lights on at  
24 all.

25 DET. BROUGHTON: Okay. Do you recall the color

1 of the house?

2 MR. HERNANDEZ: No.

3 DET. BROUGHTON: And how about any cars in the  
4 driveway?

5 MR. HERNANDEZ: I did not see any.

6 DET. BROUGHTON: Okay.

7 MR. HERNANDEZ: Not that I remember.

8 DET. BROUGHTON: Okay. And is there, -- and did  
9 this person ever tell you what their name was?

10 MR. HERNANDEZ: No.

11 DET. BROUGHTON: Okay. And then what, -- do you  
12 recall what this person was wearing?

13 MR. HERNANDEZ: Uh, it was, uh, blue jeans --

14 DET. BROUGHTON: Okay.

15 MR. HERNANDEZ: -- and a black jacket. I don't  
16 remember if he was wearing the hat or not.

17 DET. BROUGHTON: Did he have a hat with him, or  
18 was he wearing a hat?

19 MR. HERNANDEZ: I think he was wearing the hat.

20 DET. BROUGHTON: Do you recall what the hat  
21 looked like?

22 MR. HERNANDEZ: No. I know it was black,  
23 though, too.

24 DET. BROUGHTON: Okay. And do you recall  
25 anything about -- was he wearing anything on his feet?



1 MR. HERNANDEZ: No. I didn't -- I didn't look  
2 what he was wearing on his feet.

3 DET. BROUGHTON: Okay. Did he have a bag with  
4 him?

5 MR. HERNANDEZ: No.

6 DET. BROUGHTON: Okay. And what all -- what  
7 else did -- do you recall him saying about needing to get  
8 to Seattle?

9 MR. HERNANDEZ: Well, he just wanted to go and  
10 see that girl that he was talking about.

11 DET. BROUGHTON: Okay.

12 MR. HERNANDEZ: And he wanted to go up there and  
13 -- he seemed pretty desperate to get up there and see her,  
14 though.

15 DET. BROUGHTON: What makes you say that he was  
16 -- why do you think he was desperate?

17 MR. HERNANDEZ: Well, because he offered me a  
18 gold chain and his ring.

19 DET. BROUGHTON: Okay.

20 MR. HERNANDEZ: Versus just having me use the --  
21 the app.

22 DET. BROUGHTON: Okay.

23 MR. HERNANDEZ: And he kind of mentioned, like -  
24 - he's like, "I don't know if you know about gold, but  
25 it's real. And, you know, I really need to go up there."

1 And I asked him, "When do you need to go up there?" He's  
2 like, "Now. Like, now."

3 DET. BROUGHTON: Okay.

4 MR. HERNANDEZ: So then that kind of makes me,  
5 you know, assume that he wants to go, like, well, that  
6 second because he seems pretty desperate if he's going to  
7 try to trade a gold chain --

8 DET. BROUGHTON: Sure.

9 MR. HERNANDEZ: -- to go up there.

10 DET. BROUGHTON: And so is it typical that  
11 people will offer you money or other things for a ride as  
12 -- you know, in lieu of using the Uber app?

13 MR. HERNANDEZ: No.

14 DET. BROUGHTON: Okay.

15 MR. HERNANDEZ: That's never happened. So  
16 that's another reason why I said no. Because he showed me  
17 the chain and the ring --

18 DET. BROUGHTON: Okay.

19 MR. HERNANDEZ: -- which was not real.

20 DET. BROUGHTON: Hm-mm.

21 MR. HERNANDEZ: Obviously. So --

22 DET. BROUGHTON: Was there anything  
23 distinguishing about the chain and the ring?

24 MR. HERNANDEZ: No, not really. It looked  
25 pretty fake.

1 DET. BROUGHTON: Okay.

2 MR. HERNANDEZ: That's about it.

3 DET. BROUGHTON: And in terms of what this --  
4 what this person looked like, what -- was it a male or a  
5 female?

6 MR. HERNANDEZ: It was a male.

7 DET. BROUGHTON: Okay. And then what race was  
8 he?

9 MR. HERNANDEZ: Uh, Caucasian.

10 DET. BROUGHTON: Okay. And do you recall, uh,  
11 you know, anything else distinguishing about him in terms  
12 of glasses, earrings, piercings, tattoos?

13 MR. HERNANDEZ: No. I don't --

14 DET. BROUGHTON: Okay.

15 MR. HERNANDEZ: -- recall that.

16 DET. BROUGHTON: Did he -- did he appear like he  
17 was in good health or otherwise injured?

18 MR. HERNANDEZ: No. He wasn't injured or  
19 anything. He looked pretty healthy.

20 DET. BROUGHTON: Okay. How old do you -- if you  
21 had to guess, how old do you think he was?

22 MR. HERNANDEZ: Uh, maybe in his early thirties,  
23 I would say.

24 DET. BROUGHTON: Okay.

25 MR. HERNANDEZ: I think.

1           DET. BROUGHTON: Okay. And then if, -- I mean,  
2 do you, -- do you recall if -- if he struck you as being  
3 at all intoxicated? You know, having recently used any  
4 kind of drugs or alcohol.

5           MR. HERNANDEZ: No.

6           DET. BROUGHTON: He did not appear intoxicated,  
7 or he did?

8           MR. HERNANDEZ: He didn't.

9           DET. BROUGHTON: Okay. All right. And, -- and  
10 so, you know, when I called you earlier, you know, today,  
11 you didn't have any recollection of this -- of this fare;  
12 is that correct?

13          MR. HERNANDEZ: Yeah.

14          DET. BROUGHTON: And so how is it that you  
15 remember this now?

16          MR. HERNANDEZ: Well, after seeing the video, I  
17 mean, it kind of refreshed my mind because driving at 3:00  
18 in the morning, you know, I'm already tired.

19          DET. BROUGHTON: Sure.

20          MR. HERNANDEZ: And everything was fuzzy. I  
21 mean, that was the last -- my second-to-last ride that I  
22 had done before I decided to go home because I was getting  
23 pretty tired.

24          DET. BROUGHTON: Okay.

25          MR. HERNANDEZ: So after seeing the video, I

1 refreshed most of my memory back.

2 DET. BROUGHTON: Okay. Uh, Ricardo, is there  
3 anything else you can think of to tell me that I -- I  
4 should know about this?

5 MR. HERNANDEZ: No. I think that -- I think  
6 that's it.

7 DET. BROUGHTON: Okay. All right. Well, it is  
8 1844 hours. Ending recording.

9 (end of interview)

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## DECLARATION OF TRANSCRIBER

I, Robyn M. Anderson, hereby certify that:

- a. I am an Official Transcriber for the State of Oregon;
- b. that I personally transcribed the electronic recording of the proceedings had at the time and place herein before set forth;
- c. that the foregoing transcript totaling 14 pages of audio transcription, including cover pages and index, represent an accurate and complete transcription of the entire record of the proceedings, as requested, to the best of my belief and ability.

WITNESS my hand at Gresham, Oregon this 9th day of October, 2018.



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