

Statement from GAIL PENNIGER

Beginning Time: 2:50 A.M., July 21, 1970

MIKE ELWELL

Officer Penniger was advised by the Assistant County Attorney that he was proceeding with the investigation and a subject was dead. He advised the officer he had the right to remain silent; the right to have an attorney present; that anything he said could be used against him, and that if he did not have funds for an attorney, the court would furnish one for him; that all statements must be voluntary and that no promises would be made for any statement or information.

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- Q. What happened up there?
A. Officer Foust and myself were in one car and dispatched to the area. We were southbound on Oread and parked on Louisiana southbound.
Q. Was this in a car?
A. No, on foot. Saw the Volkswagen being pushed over.
Q. How many were pushing it over?
A. Eight to 15.
Q. Boys or Girls?
A. Couldn't say.
Q. How far were you from the car?
A. I'd say about 25 to 50 yards.
Q. Who was around you?
A. Stroud, Sedlak and several others.
Q. What kind of equipment did you have?
A. My carbine and sidearm.
Q. Exactly what did you do?
A. I proceeded on south about one-half way between the Rock Chalk and VW and saw a subject in a blue-gray T-shirt lighting matches trying to set the VW on fire. I fired two rounds into the air.
Q. Did someone fire before you did?
A. Yes.
Q. Did anyone call out 'halt'?
A. Not to my knowledge.

(2:55 A.M., 7-21-70, W.L.A.)

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- Q. How did you see the gas?
A. I assumed it was and after I got up to the VW, I could see that it was gas.
Q. How much gas on the pavement?
A. About 3' in diameter.

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(continued from page #1)

- Q. Who was around you?
A. Shroud was to my right and Sedlak was to my right, but Shroud was the farthest away from me.
A. The subject was still striking matches when I fired.
Q. You didn't call 'halt'?
A. No, just fired two in the air.
Q. Did you just fire two times?
A. Yes.
Q. Have you reloaded?
A. No, it is just like it was.
Q. Is this P.D. issue?
A. No, it is mine.
Q. Have you fired it before?
A. Yes, guess it was Sunday.
Q. Was it sighted in?
A. Fair.
Q. Did you fire in the air?
A. Yes.
Q. You said you heard someone shoot before you fired?
A. Yes, just one.
Q. Did you talk to Shroud about what happened?
A. I am not sure about Shroud. I asked something of Sedlak about did he fire.
Q. Did you see where the other officers' guns were pointed?
A. No.
Q. Did you receive any orders as to what to do?
A. No, just used our own discretion.
Q. Who else have you talked to?
A. Haller.
Q. Was this when the inquiry was made about who fired guns?
A. Yes.
Q. Do you think you could have hit the subject?
A. No.
Q. Do you have any idea who might have?
A. Yes.
Q. Who do you think it was?
A. Shroud.
Q. Why do you think it was him?
A. Seems like I heard him say, 'I shot at him'.

(continued on page #3)

(continued from page #2)

- Q. Was there any gas in the area?
A. No, it was up by the Gaslight.
Q. Did you look for matches?
A. No.
Q. Did you see a rag on fire?
A. No, there was some fire back by a church.
Q. Were things being thrown at you as you moved up to the VW?
A. Yes, quite a few.

(3:07 A.M., 7-21-70, W.L.A.)

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- Q. How many matches did you see the subject strike?
A. I saw two.
Q. Was the one subject the last one to leave the VW?
A. Yes, right. He then ran into a crowd of about 25.
Q. Do you have any other ideas on witnesses?
A. Only the photographer.

3:12 A.M. - 7-21-70: Interview closed.