

Diaz shooter was 70 feet away

Judge may watch Topete's confession in chambers

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The shooter who murdered Yolo County Sheriff's Deputy Tony Diaz was about 70 feet away from him when the 17 shots were fired, according to testimony Wednesday in the Marco Topete trial.

Topete, 39, is charged with murdering Diaz June 15, 2008 on County Road 5 in Dunnigan. He could face the death penalty or life in prison if convicted. Topete has pleaded not guilty to all counts.

In one of the last pieces of the prosecution's case against Topete, Craig Fries, of Precision Simulations, presented a 3-D animation video, reconstructing the shooting through laser scanning of the scene and Diaz's patrol car. He used six of the seven trajectory marks that were on Diaz's patrol car from shots fired, as well as the shell casing from the gun, an AR-15 assault rifle, to determine where the shooter was located.

According to Fries' estimation and the work of forensic engineer Robert Cargill, who conducted test firing, the shooter was at the southwest corner of Jesse Gonzales' house on CR-5 and shot through the porch toward Diaz's vehicle. Cargill testified two weeks ago.

Fries agreed with Cargill's previous opinion that Diaz was in a "crouched and bent position" when he was shot.

In addition, Fries said Diaz had his back turned when the shots began firing but turned to face the shooter with a bullet penetrating the top of his Kevlar vest, above his heart.

The dashboard camera video from Diaz's patrol car was used to recreate the scene. The video shows the scene in front of Diaz's car but does not show the deputy being shot. However, audio of the 17 shots can be heard along with a yell from Diaz as he was shot and him saying over the radio "officer down."