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Topete Trial: Jury Sees Simulation of Deputy's Death

Judge Says Video Is 'Reasonably Close' To Reality

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WOODLAND, Calif. -- Jurors saw a computer simulation Wednesday that attempts to fill in some of the gaps of how Deputy Jose "Tony" Diaz was killed.

The simulation was produced by Craig Fries, of Precision Simulations, Inc., who said the presentation is based on the video provided by the dash camera in Diaz's patrol car and physical evidence gathered at the scene.

That video does not show Diaz being hit, nor does it show who pulled the trigger.
Yolo County Superior Court Judge Paul Richardson warned jurors, before the simulation was shown, that it was "only designed to be an aid" and "not intended to be a film of exactly what occurred."

However, Richardson said the simulation was "reasonably close."

The simulation shows Diaz standing near the driver's side of his patrol car on a dead-end road near Dunnigan. It shows a shooter positioned at the corner of a nearby house who fires 17 shots with an AR-15 assault rifle.

According to the simulation, Diaz had his back to the shooter when the shots started, then turned to face the gunfire and was hit by two bullets to the chest. One of the shots pierced Diaz's bulletproof vest, entered his chest and killed him. "Deputy Diaz's back is turned when the shots first rang out," said Fries.

The distinction is important because prosecutors are trying to prove that defendant Marco Topete was out to kill a cop that night in June 2008 and was not simply fleeing from a possible drunken driving arrest. If convicted, Topete faces a possible death penalty.

Family members of Diaz cried quietly and wiped their eyes as the simulation played.
Deputy District Attorney Garrett Hamilton told the judge that he expects Fries to be the prosecution's final witness.

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