

Col William Albott

1-14958

Statement from JIMMIE JOE SHROUD, white, male, 28, member of the Lawrence Police Department. Beginning time: 1:40 A.M., July 21, 1970.

In my presence, Mike Elwell, Assistant County Attorney, directed the following inquiries to the above subject. At the beginning of the interview, the Assistant County Attorney advised Officer Shroud that he had the right to remain silent; that anything he said could be used against him; that he had the right to an attorney, and that any statement must be voluntary and he had the right to stop talking at any time. No promises were made or given.

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- A. You got me on a spot.
- Q. Were you in the area?
- A. Yup.
- Q. How many other officers?
- A. I'd say four, between 20 to 30' apart.
- Q. Who were the officers?
- A. Gails and Penniger.
- Q. What group?
- A. Came up with Newman and Green.
- Q. Where did you go?
- A. 12th and Oread.
- Q. What time did you arrive?
- A. About 10:30 P.M..
- Q. What took place?
- A. Let me ask a question. Am I to be charged with shooting the man?
- Q. I am checking with all officers to find out if anyone fired a gun.
- Q. Did you fire a gun?
- A. Yes, my own carbine.
- Q. What caliber?
- A. I do not know.
- Q. When did you buy the gun?
- A. Today.
- Q. How many times did you fire the gun?
- A. One time.
- Q. Who did you fire at?
- A. The guy who was trying to set fire to the car.
- Q. What kind?
- A. Volkswagen.
- Q. What color?
- A. Blue or black.
- Q. Why did you think he was going to set it afire?
- A. He was back of the car.

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- Q. Could you see gas?  
A. Yes, the light was reflecting.  
Q. Could you smell gas?  
A. No.  
Q. Where was the person at with the matches?  
A. Behind it.  
Q. Anybody else around close?  
A. No.  
Q. What happened after the shot was fired?  
A. I stayed in the general area and then the ambulance came.  
Q. What happened to the person?  
A. He took off running.  
Q. Did anyone else fire their weapon?  
A. Penniger fired three times.  
Q. Did you see what happened to the subject?  
Q. After you fired, did the subject run?  
A. No, he was running when I shot at him.  
Q. How many matches did you see lighted?  
A. I saw him light three matches.  
Q. What kind of dress?  
A. A white shirt and it was a hippy-type male.  
Q. Do you know where Gails is at?  
A. (Shook head indicating no)  
Q. Did you know someone was shot?  
A. Not until the ambulance arrived.  
Q. Did you throw tear gas?  
A. No.  
Q. Did anyone of your group throw gas?  
A. I don't know. Don't think so.  
Q. You did not talk to Gails about the shooting?  
A. No.  
Q. Did you shoot at the subject?  
A. Yes, I did.  
Q. Was there any tear gas in the area?  
A. Yes.  
Q. Did you have a mask on?  
A. No.  
Q. Had you been there for sometime?  
A. No, I just got there.  
Q. Did you have bricks thrown at you?  
A. Yes.

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- Q. What kind was it?  
A. I don't know.

(Note: 1:58 A.M., 7-21-70, W.L.A.)

- Q. Were there any other subjects around the vehicle?  
A. No, just one standing and throwing matches.  
Q. Did you pick up the spent cartridge case?  
A. No.  
Q. How close were you to Gails? **Penninger**  
A. About 10' to the left of his. About here from here to the wall.  
Q. Did Gails pick up the cartridges he had fired?  
A. I don't know.  
Q. Did you test fire the gun today for accuracy?  
A. Yes.  
Q. Is it accurate?  
A. Yes.

(Note: 2:04 A.M., 7-21-70, W.L.A.)

**Albatt**

- Q. It is a clip type?  
A. Yes, it holds 30. I counted 28 left, but I know I only shot once.  
Q. How did you know Gails fired three times?  
A. I heard and saw him out of the corner of my eye.

2:07 A.M., 7-21-70 - Interview closed.