

Murder trial of '09 bullet-ridden high-speed chase begins; attorneys offer opening arguments in Fiore case Monday

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Attorneys told different stories of 22-year-old Antioch resident Brian Cole Fiore during the opening arguments of a murder trial Monday in which Fiore is accused of killing 21-year-old Humboldt resident David Fields in 2009.

Officials allege Fiore and Fields robbed three men of 14 pounds of marijuana at gunpoint in McKinleyville on May 11, 2009, and proceeded to lead police on a 20-mile high-speed chase on State Route 299. The chase ended when Fiore's Jeep Grand Cherokee went over a spike strip and rolled down an embankment. Both men were found with gunshot wounds to the head, and Fields was pronounced dead at the site of the crash.

Fiore is standing trial on charges of murder, armed robbery, felony evasion of a peace officer, transporting marijuana, illegally possessing an assault weapon and the attempted murder of five peace officers. He's been in the Humboldt County jail on a \$1 million bail since his arrest.

Attorney Marek Reavis, Fiore's attorney, told the jury Monday that a robbery did take place but that Fiore had no idea what his friend Fields had planned that night. He described Fiore as the victim without a criminal record, who'd made friends with "a gangster, a thug." He said Fiore was simply driving his friend around to buy marijuana when things went bad.

"It's Mr. Fiore's worst nightmare. A nightmare he's still living," Reavis said.

On the night in question, Fiore drove Fields to a McKinleyville residence to allegedly purchase about 20 pounds of marijuana for \$50,000. Reavis said Fields had a backpack full of cash in which stacks of \$1 bills were sandwiched between \$100 bills.

"Mr. Fields already had a scam in place, unbeknownst to Fiore," Reavis said.

He said the stories of the marijuana sellers have changed over time but that initial reports of the robbery stated Fiore was unarmed during the robbery, appearing confused when Fields produced an AK-47 and told him to take the marijuana.

"They talk about Mr. Fiore fumbling around," Reavis said. "They describe him as the little one, the quiet one."

Deputy District Attorney Allan Dollison painted a different picture, saying both Fields and Fiore intended to steal the marijuana at gunpoint. He said Fiore wore body armor, drew a pistol during the robbery and used a false name of "Jeff."

Dollison said evidence in the case will show Fiore shot Fields and then himself in an attempted murder-suicide after the car chase ended in the crash.

"David Fields was shot relatively straight in the head in the left temple," Dollison said. "The defendant shot

himself under the chin, and it went through his forehead.”

Dollison said law enforcement officials believe Fields brandished the AK-47 and Fiore used a .45-caliber pistol in the alleged robbery and in the car chase that followed. He said the wound site on Fields' head couldn't have been caused by an AK-47 and that he didn't shoot himself.

Reavis didn't dispute that Fiore shot himself.

”Mr. Fiore doesn't remember shooting himself, but he remembers that mantra of 'I'm not going to let him kill me,’” Reavis said, adding that Fiore didn't want Fields to kill him and would rather kill himself.

Reavis said Fields shot himself in the head with the AK-47 after Fiore, who was driving the getaway vehicle, shot himself in the chin as the Jeep went over the embankment, losing consciousness. Reavis said Fiore told police officers that Fields killed himself when Fiore regained consciousness and surrendered.

According to Reavis, Fields was “amped up and murderous” during the car chase and threatened Fiore's life. He said the jury will hear from Fields' girlfriend, who Fields called on his cell phone during the chase to say good-bye and tell her he wasn't going back to prison.

Reavis said Fields was under the influence of marijuana, alcohol and cocaine during the chase, according to toxicology reports. He said when Fiore -- who was also under the influence of marijuana -- pleaded with Fields to end the chase, Fields said, “It's only over when I say it's over.”

”He's all in. He's going down in a blaze of glory,” Reavis said. “He's wearing a gold AK-47 pendant at the time this goes down.”

The two attorneys have different accounts of what took place during the chase and who shot at pursuing police.

After the robbery was reported, police responded to a report of a Jeep Grand Cherokee with a passenger holding an assault weapon out the vehicle's window. Police reported that they tried to conduct a traffic stop on Fiore and Fields, but the pair led law enforcement on a more than 20-mile chase along State Route 299.

Dollison said officer reports indicate shots were fired from the Jeep out of both the passenger and driver's side windows, with casings found matching both weapons. He said officers noticed sparks consistent with bullets hitting the pavement, but never returned fire.

Reavis said there's no way Fiore could have held and shot a gun while driving fast along the winding highway. He said Fields shot out all but one of the Jeep's windows and used both the AK-47 and .45-caliber pistol to shoot at officers.

”He hopped into the back seat,” Reavis said.

In an effort to stop the vehicle before it reached Willow Creek, an officer laid down a spike strip that pops the tires of a car and causes it to eventually stop moving. Dollison said one of the aiding California Highway Patrol officers said shots were fired at his vehicle from the driver's side, which was staged near

the spike strip facing the oncoming Jeep.

Dollison said the CHP officer had all his lights on to draw attention away from the spike strip and had lain down in his SUV to avoid potential incoming fire.

"Later, he learned a bullet entered his vehicle," Dollison said. "It's literally inches from (him)."

Dollison said the Jeep went over the strip, hit an embankment and rolled multiple times about 150 feet down a ravine before coming to rest. He said Fields wasn't wearing a seat belt and was ejected from the vehicle. The Humboldt County Coroner's Office later determined he died of a gunshot wound to the head. Dollison said the bullet was never recovered.

Both attorneys said Fiore came up the hill after the accident with a gunshot wound to his head. Dollison said Fiore told an officer he'd tried to kill himself.

Reavis said Fiore willingly surrendered to officers as he walked up the ravine, clad in slippers, shorts and a 1980s-era bullet-proof vest under his shirt. He said that Fiore had simply taken to wearing the vest when he drove Fields around.

Reavis and Dollison both said Fiore's trial will be a lengthy one, lasting about two months. Fiore faces life in prison without the possibility of parole if convicted in the case.

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