

Office of the Sheriff, Santa Clara County

55 W. Younger Avenue, San Jose, CA 95110

- INJURY
- BOOKING
- CITE RELEASE

CASE NO.

09-244-0567G

BEAT **G4**

TYPE OF FORCE: HANDS/FEET KNIFE/CUTTING INSTR.
 FIREARM OTHER **Vehicle**

INCIDENT REPORT

REPORT TYPE **664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F] Evading police**

OCURRED	DATE	TIME	DAY
ON OR FROM	9/1/09	23:45	Tue
TO	9/1/09	23:58	Tue
REPORTED	9/1/09	23:58	Tue

LOCATION OF INCIDENT **Harding Avenue @ Highland Avenue / San Martin / 95046**

CASE

ASSIGNED

NOT ASSIG

RECORDS ROUTING

ABC

Acctng

CCAP/CIVU

CLERY

DET. DIV.

POSTAL

TRAFFIC

TRANSIT

OTHER

CLASS EVIDENCE

RURAL CRIME

JCR

DOMESTIC VIOLENCE

HATE

ELDER

CHILD

148/243

GANG

PHOTO SCENE

LATENT PRINTS

DRUG FIELD TEST

PROPERTY

EVIDENCE

DIAGRAM

CCTV

"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

V01 LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) STATE OF CA. RACE M F DOB AGE HT WT

Plett Bryan

INTERPRETER NEEDED: SPANISH VIETNAMESE OTHER

VICTIM ADVISED: SEXUAL ASSAULT VIC/WIT ASSIST. DOMESTIC VIOLENCE

ADDRESS **55 W. Younger Ave** CITY/STATE **San Jose, CA** ZIP **95110** PHONE DL NUMBER STATE

BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN

VICTIM INFORMATION: NON DISCLOSURE (WHERE APPLICABLE) INJURY SART BLOOD URINE PHOTOGRAPH STUDENT

V02 LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) RACE M F DOB AGE HT WT

Doty Albert

INTERPRETER NEEDED: SPANISH VIETNAMESE OTHER

VICTIM ADVISED: SEXUAL ASSAULT VIC/WIT ASSIST. DOMESTIC VIOLENCE

ADDRESS **55 W. Younger Ave** CITY/STATE **San Jose, CA** ZIP **95110** PHONE DL NUMBER STATE

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VICTIM INFORMATION: NON DISCLOSURE (WHERE APPLICABLE) INJURY SART BLOOD URINE PHOTOGRAPH STUDENT

VICTIM VEHICLE YEAR MAKE MODEL BODY TYPE COLOR LICENSE/VIN STATE

VICTIM # **2** **2004** **Ford** **Expedition** **4-Door** **White** **CA**

R/O'S NAME (LAST, FIRST, MIDDLE) SAME AS VICTIM # ADDRESS CITY/STATE ZIP DAMAGE TO VEHICLE

Passenger side

VICTIM VEHICLE WAS: STOLEN IMPOUNDED STORED LEFT AT SCENE RELEASED AT SCENE HELD F/PRINTS PRINTED

PROPERTY (NOT FOR EVIDENCE) / COMPLETE SYNOPSIS OF INCIDENT

ITEM#	QTY	BRAND	MODEL	DESCRIPTION OF PROPERTY	SERIAL NO.	VALUE
1	0					\$0.00

THIS REPORT IS FOR INSURANCE PURPOSES AND TO ALERT THE SHERIFF'S OFFICE OF THE CRIME.

Synopsis: **On 9-2-09 at approximately 2345 hours, S1 drove head on in into V2's vehicle with his pickup truck. V2 swerved and avoided a head on collision. S1 then attempted to run over V1 with his vehicle. S1 fled the scene and led deputies on a high speed pursuit, driving without due regard for public safety. S1 nor his vehicle were located the night of the incident. S1 was later arrested in Santa Cruz County by the Santa Cruz County Sheriff's Office.**

Where Occurred

Property Attacked

Method of Entry

Suspect Actions

<input type="checkbox"/> Apartment/Condo	<input type="checkbox"/> Hospital	<input type="checkbox"/> Agriculture/Crops	<input type="checkbox"/> Jewelry/Metals	<input type="checkbox"/> Attempt Only	<input type="checkbox"/> Approach From Front	<input checked="" type="checkbox"/> Suspect Armed
<input type="checkbox"/> Assembly Plant	<input type="checkbox"/> Hotel/Motel	<input type="checkbox"/> Alcohol/Beer/Wine	<input type="checkbox"/> Livestock	<input type="checkbox"/> Body Force	<input type="checkbox"/> Approach From Rear	<input type="checkbox"/> Searched
<input type="checkbox"/> Bar or Lounge	<input type="checkbox"/> Jewelry Store	<input type="checkbox"/> Auto Parts/Access	<input type="checkbox"/> Not Applicable	<input type="checkbox"/> Broke Glass	<input type="checkbox"/> Demand Money	<input type="checkbox"/> Selective Theft
<input type="checkbox"/> Bank/Finance Co.	<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Bicycle	<input type="checkbox"/> Narcotics/Drugs	<input type="checkbox"/> Cut Lock/Screen	<input type="checkbox"/> Force Victim to Move	<input type="checkbox"/> Sex Act
<input type="checkbox"/> Bus/Rail Stop	<input type="checkbox"/> Parking Lot	<input type="checkbox"/> Bldg Materials	<input type="checkbox"/> Other Property	<input type="checkbox"/> Key/Pass Key	<input type="checkbox"/> Fought With Victim	<input type="checkbox"/> Shot/Stabbed Vic
<input type="checkbox"/> Bus/Rail Vehicle	<input type="checkbox"/> Other Retail	<input type="checkbox"/> Cameras/Video Equip	<input type="checkbox"/> Phone(s)	<input type="checkbox"/> Lock Punch	<input type="checkbox"/> Injury Inflicted	<input type="checkbox"/> Struck Victim
<input type="checkbox"/> Construction Site	<input type="checkbox"/> Park (All Types)	<input type="checkbox"/> Clothing	<input type="checkbox"/> Power Tools	<input type="checkbox"/> Pried	<input type="checkbox"/> Knew Location Cash	<input type="checkbox"/> Took Firearm
<input type="checkbox"/> Convenience Store	<input type="checkbox"/> Public Building	<input type="checkbox"/> Computer/Elec Equip	<input type="checkbox"/> Purse/Wallet	<input type="checkbox"/> Removed	<input type="checkbox"/> Multiple Suspects	<input type="checkbox"/> Took Money/Coins
<input type="checkbox"/> Driveway	<input type="checkbox"/> Residence	<input type="checkbox"/> Checks (All Types)	<input type="checkbox"/> Radio/Stereo Equip	<input type="checkbox"/> Point of Entry	<input type="checkbox"/> Molested Victim	<input type="checkbox"/> Took Stereo/TV
<input type="checkbox"/> Dr.'s/Dentist Office	<input type="checkbox"/> Restaurant (All)	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Sporting Goods	<input type="checkbox"/> On Premise	<input type="checkbox"/> Masturbated	<input type="checkbox"/> Used Trick/Ruse
<input type="checkbox"/> Farm/Ranch	<input type="checkbox"/> Rural/Mount Area	<input type="checkbox"/> Curr/Money/Coins	<input type="checkbox"/> Television	<input type="checkbox"/> Door	<input type="checkbox"/> Made Threats	<input type="checkbox"/> Used Demand Note
<input type="checkbox"/> Field/Pasture	<input type="checkbox"/> School	<input type="checkbox"/> Farm/Ranch Equip	<input type="checkbox"/> Tools	<input type="checkbox"/> Garage Door	<input type="checkbox"/> Pt Prop in Bag	<input type="checkbox"/> Unknown
<input type="checkbox"/> Garage	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Firearm(s)	<input type="checkbox"/> Tractor/Hvy Equip	<input type="checkbox"/> Sliding Door	<input type="checkbox"/> Ransacked	<input type="checkbox"/> Vandalized/Tagged
<input type="checkbox"/> Gas Station	<input type="checkbox"/> Shopping Center	<input type="checkbox"/> Furniture	<input type="checkbox"/> Transit Equip/Facil	<input type="checkbox"/> Roof		
<input type="checkbox"/> Grocery/Market	<input checked="" type="checkbox"/> Street/Highway	<input type="checkbox"/> Household Appliance	<input checked="" type="checkbox"/> Vehicle or Boat	<input type="checkbox"/> Window		

MO Continued in Narrative

OTHER MO INFORMATION

ASSOCIATED CASE NUMBERS: **MHPD 09-2532**

OTHER ROUTING:

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Cruz	1956	09/03/09 2330	III SSM	Benner, David	1861	09/04/09 2355	1	9

REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. <div style="font-size: 24pt; font-weight: bold; text-align: right;">09-244-0567G</div>																					
"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER																							
V03	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA.	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;">RACE</td> <td style="width:10%;">M <input type="checkbox"/></td> <td style="width:10%;">F <input type="checkbox"/></td> <td style="width:10%;">DOB</td> <td style="width:10%;">AGE</td> <td style="width:10%;">HT</td> <td style="width:10%;">WT</td> </tr> <tr> <td colspan="7">INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE</td> </tr> <tr> <td colspan="7"><input type="checkbox"/> OTHER _____</td> </tr> </table>	RACE	M <input type="checkbox"/>	F <input type="checkbox"/>	DOB	AGE	HT	WT	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE							<input type="checkbox"/> OTHER _____						
RACE	M <input type="checkbox"/>	F <input type="checkbox"/>	DOB	AGE	HT	WT																	
INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE																							
<input type="checkbox"/> OTHER _____																							
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE																							
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE																		
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN																			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT																							

OFFICER'S NAME Cruz	ID NUMBER 1956	DATE 09/03/09 2330	SHIFT/DAYS OFF III SSM	SUPERVISORS REVIEW Benner, David	ID NUMBER 1861	DATE 09/04/09 2355	PAGE 2	OF 9
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REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	Office of the Sheriff Santa Clara County SUSPECT PAGE	CASE NO. 09-244-0567G
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<input checked="" type="checkbox"/> BOOKED	<input type="checkbox"/> CITED	<input type="checkbox"/> 849(B) PC	<input type="checkbox"/> COMPLAINT REVIEW	<input type="checkbox"/> INFO ONLY	<input type="checkbox"/> AT LARGE	<input type="checkbox"/> VMC	<input type="checkbox"/> SEE JCR
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S# 01	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Barnes Joel Gordon	RACE White	M <input checked="" type="checkbox"/> F <input type="checkbox"/>	DOB	AGE	HT	WT	HAIR	EYES
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AKA/MONIKER	RELATIONSHIP TO VICTIM none	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER
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ADDRESS	CITY/STATE	ZIP	PHONE	PFN
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BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	PHOTO ID#
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DL NUMBER	STATE	SSN	CITE#	CEN
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CLOTHING	UNIQUE IDENTIFIERS (CII#)
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HAIR STYLE <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT <input type="checkbox"/> GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES	HAIR TYPE <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE SPEECH <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MAN <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN <input type="checkbox"/> CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK	BUILD <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	COMPLEXION <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADD'L, SEE NARRATIVE	WEAPONS <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HANDS / FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI-AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER:	SCARS, MARKS, TATTOOS ETC. CODE: LOC: DESC: <input type="checkbox"/> ADD'L, SEE NARRATIVE CODE: S=SCARS M=MARKS P=PIERCING T=TATTOO MB=MISSING BODY PTS. UNDER THE INFLUENCE <input type="checkbox"/> Alcohol <input type="checkbox"/> Stimulant (Cocaine, Methamphetamines, etc. <input type="checkbox"/> Depressant (Heroin, etc. <input type="checkbox"/> Other: <div style="text-align: right;">Student: <input type="checkbox"/></div>
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SUSPECT VEHICLE SUSPECT#	YEAR 1	MAKE 1973 FORD	MODEL	BODY TYPE TRUCK	COLOR Turquoise	LICENSE/VIN	STATE CA
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ADDITIONAL IDENTIFIERS: <input type="checkbox"/> LOWERED <input type="checkbox"/> RAISED <input type="checkbox"/> SPECIAL PAINT <input type="checkbox"/> SPECIAL WHEELS <input type="checkbox"/> SUN ROOF/T-TOP

R/O'S NAME (LAST, FIRST, MIDDLE) <input checked="" type="checkbox"/> SAME AS SUSPECT # 1	ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE Ft end damage
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VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> RELEASED AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED
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OFFICER'S NAME Cruz	ID NUMBER 1956	DATE 09/03/09 2330	SHIFT/DAYS OFF III SSM	SUPERVISORS REVIEW Benner, David	ID NUMBER 1861	DATE 09/04/09 2355	PAGE OF 3 9
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REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 INVESTIGATION:

2

3 On 9-1-09 at about 2345 hours, Sgt. Persiani received information from
4 County Communications that Suspect 1 Joel Barnes, a wanted felon was
5 possibly driving a dark colored vehicle near a nursery in the area of
6 Harding Avenue and Highland Avenue in the town of San Martin.

7 According to the information County Communications provided Sgt.

8 Persiani, S1 Barnes was going to meet his girlfriend near a nursery
9 on Harding Avenue. The information received from County

10 Communications was from a reliable informant possibly living in the
11 area of Harding Avenue and Highland Avenue.

12

13 Based on prior events, I had personal knowledge that S1 Barnes had
14 several outstanding felony warrants. S1 Barnes had active warrants
15 that contained charges of 245 (a) (1) PC (assault with a deadly
16 weapon), two counts of 12020 (a) (1) PC (possession of a firearm),
17 236/237 PC (false imprisonment), and three pending 273.5 (a) PC
18 charges (domestic violence).

19

20 S1 Barnes had a history of resisting arrest and was considered to be
21 armed and dangerous. S1 Barnes was believed to be in the possession
22 of a gun that he reportedly stole from his father.

23

24 Over the past few weeks, Santa Clara County Sheriff's Office deputies
25 had three encounters with S1 Barnes in an attempt to arrest him. All
26 three attempts to capture S1 Barnes were unsuccessful after he eluded
27 deputies.

28

29 On 8-19-09, Morgan Hill Police Department officers were also involved
30 in a vehicle pursuit with S1 Barnes (Case # 09-2532). I personally

OFFICER'S NAME
Cruz

ID NUMBER
1956

DATE
09/03/09 2330

SHIFT/DAYS OFF
III SSM

SUPERVISORS REVIEW
Benner, David

ID NUMBER
1861

DATE
09/04/09 2355

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 assisted Morgan Hill Police officers, along with other deputies to
 2 search for S1 Barnes on this day.

3

4 On 9-1-09, during briefing at the Sheriff's South County Sub-station,
 5 Sgt. Persiani coordinated the detail by assigning deputies various
 6 locations to set a perimeter. Sgt. Persiani advised Deputy Plett
 7 #2011, Deputy Ramey #1844, Deputy Doty #1352, and I to drive
 8 northbound on Harding Avenue from Highland Avenue towards the
 9 location of the dark colored vehicle. He then advised Deputy Bertoldi
 10 #2019 to remain at the corner of Harding Avenue and Cox Avenue. Sgt.
 11 Persiani then advised Deputy Elder #1977 to remain on the corner of
 12 Harding Avenue and Highland Avenue.

13

14 While Sgt. Persiani was giving us instructions for our assignments, he
 15 received another telephone call from county communications stating
 16 the dark colored vehicle was possibly going to leave the area. At
 17 that point all the deputies immediately responded towards Harding
 18 Avenue and Highland Avenue location. All the deputies were driving
 19 fully marked patrol vehicles.

20

21 At about 2357 hours, I turned westbound onto Highland Avenue from the
 22 Sub-station's driveway and I noticed two patrol vehicles were already
 23 near the northbound turn onto Harding Avenue. I also noticed there
 24 were two patrol vehicles driving behind me.

25

26 I turned my patrol vehicle northbound onto Harding Avenue from
 27 Highland Avenue. As I made the turn I heard what sounded like two
 28 gunshots. I then simultaneously noticed an older model pickup truck
 29 (possibly 1960's to 1970's model) driving erratically and turning
 30 from the southbound lane dirt shoulder and headed northbound onto

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664/187 PC [F] Attempted murder <> 245 (c) PC [F]
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Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 Harding Avenue. As I drove closer to the area where the gunshots came
2 from my patrol vehicle's lights illuminated the area, I saw Deputy
3 Plett pointing his gun towards the rear of the fleeing pickup truck.
4 At about 2358 hours, I advised County Communications shots were
5 fired. I did not see Deputy Plett or the occupant(s) from the pickup
6 truck discharge a firearm. I was not sure if Deputy Plett fired his
7 weapon or the occupant(s) fired a weapon from the truck. (Refer to
8 Deputy Doty's supplemental report for further details of this
9 incident).

10

11 The pickup truck then continued northbound on Harding Avenue towards
12 Cox Avenue at a high rate of speed. Harding Avenue travels north and
13 south, one lane each direction. Harding Avenue is dark and does not
14 have any street lighting. The homes on Harding Avenue are about ten
15 to fifteen feet away from the roadway. The truck continued driving on
16 a disregard for public safety at a high rate of speed northbound
17 Harding Avenue.

18

19 I slowed down to check on the welfare of Deputy Plett as he was
20 standing on the northbound lane of Harding Avenue near his patrol
21 vehicle. Deputy Plett then gestured to me that he was okay by using
22 his hands and motioned with his hands in the direction of travel of
23 the fleeing truck. As I drove by Deputy Plett, I also noticed his
24 vehicle's front end was facing west and partially blocking the
25 northbound lane of Harding Avenue. I then continued northbound
26 Harding Avenue attempting to stop the fleeing truck.

27

28 As I drove northbound on Harding Avenue passing Cox Avenue, I saw two
29 patrol vehicles; emergency lights activated and turning westbound on
30 California Avenue.

OFFICER'S NAME
Cruz

ID NUMBER
1956

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III SSM

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Benner, David

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1

2 I then turned westbound on California Avenue from Harding Avenue and I

3 saw a patrol vehicle with its emergency lights on turning northbound

4 on Santa Teresa Boulevard.

5

6 I heard Sgt. Persiani advising County Communications that he was the

7 primary unit and following the pickup truck on West San Martin,

8 possibly towards Watsonville Court. Sgt. Persiani then advised

9 County Communications that the truck he was pursuing crashed through

10 a large steel gate. (Refer to Deputy Abuel's supplemental report for

11 further information on the damaged gate).

12

13 Deputy Ramey was traveling behind me and we drove westbound on

14 Watsonville Road from Santa Teresa Boulevard in an attempt to block

15 off the Watsonville Court exit, but it was too late. (Refer to Deputy

16 Ramey's supplemental report for further details of this incident).

17 Sgt. Persiani and the truck already passed that intersection while

18 traveling at a high rate of speeds westbound Watsonville Road towards

19 Uvas Road. Sgt. Persiani also advised that the truck's lights were

20 off while driving at a high rate of speed. Sgt. Persiani was not able

21 to get a license plate number of the truck because the truck's lights

22 were off.

23

24 I continued to follow Sgt. Persiani's direction of travel, however, he

25 later advised that it was too dusty to see and had no visual on the

26 truck. Arriving at the three way intersection of Pole Line Road,

27 Mount Madonna Road, and Summit Road in Gilroy. It was unknown which

28 road the vehicle took from there. (Refer to Sgt. Persiani's

29 supplemental report for further details on the pursuit).

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Deputy Ramey and I met with Sgt. Persiani at Pole Line Road near
 2 Redwood Retreat Road. I circulated the area of Mount Madonna Park
 3 between Hecker Pass Highway and Pole Line Road. We were unable to
 4 locate the pickup truck or S1 Barnes.
 5
 6 Deputy Ramey, Deputy Elder, and I set a roadblock a quarter of a mile
 7 south of the Pole Line, Summit, and Mount Madonna Roads intersection.
 8 A Santa Cruz County Sheriff's Sergeant, a K-9 deputy handler, and two
 9 other Santa Cruz County deputies also responded to assist. Two other
 10 Morgan Hill Police officers responded to our area as well.
 11
 12 At about 0020 hours, County Communications broadcasted that S1 Barnes
 13 had a 1973 Ford pickup registered to him (California license plate
 14 number).
 15
 16 At about 0330 hours, Deputy Ramey and I were relieved at the road
 17 block and we headed back to the Sheriff's Office Sub-station in San
 18 Martin.
 19
 20 P.L.E.O.S:
 21
 22 Deputy Cruz #1956 Original report
 23 Sgt. Taylor #1733 Supplemental report
 24 Sgt. Persiani #1494 Supplemental report
 25 Deputy Abuel #1946 Supplemental report
 26 Deputy Longaker # 1679 Supplemental report
 27 Deputy Henderson #1837 Supplemental report
 28 Deputy Ramey #1844 Supplemental report
 29 Deputy Elder #1977 Supplemental report
 30 Deputy Winslow #2031 Supplemental report

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE NO. **09-244-0567G**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 Deputy Paul #1800 Supplemental report

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Cruz	1956	09/03/09 2330	III SSM	Benner, David	1861	09/04/09 2355	9	9

REPORT TYPE SUPPLEMENTAL
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CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 **INVESTIGATION:**

2
3 On 09/02/2009 at 0600 hours, I arrived at the Office of the Sheriff
4 South County Sub-station in San Martin to report for work. Upon my
5 arrival I was told to remove the video tapes from patrol vehicles
6 08704 and 06726 by Lieutenant Rodriguez before the vehicles go back
7 into service.

8
9 **EVIDENCE:**

10
11 I removed the patrol video tapes from vehicles 08704 and 06726 at
12 approximately 0630 hours. I booked the patrol video tapes into
13 evidence and placed them in the evidence locker at the Office of the
14 Sheriff South County Sub-station in San Martin.

15
16 **END OF REPORT**

17
18 **Sgt. S. Taylor #1733/ Patrol Video Tapes**

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Taylor, Susan	1733	09/02/09 703	2 SSM	Rowberry, Keith	1400	09/04/09 121	1	2

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS

	Office of the Sheriff Santa Clara County 55 West Younger Avenue San Jose CA 95110 (408) 808-4500
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
1	E		1	PATROL VIDEO TAPE		VHS	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

Trunk Patrol Vehicle 08704-Sheriff South County Sub-station
0 133599

DESCRIPTION Santa Clara County Sheriff's Office Patrol Vehicle Video Tape Recording: Installed 08/11/09 by BP 1494 & removed by ST 1733 on 09/02/09: black VHS tape

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
2	E		1	PATROL VIDEO TAPE		VHS	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

Trunk Patrol Vehicle 06726-Sheriff South County Sub-station
0 133600

DESCRIPTION Santa Clara County Sheriff's Office Patrol Vehicle Video Tape Recording: Installed 08/21/09 by Persiani 1494 & removed by ST 1733 on 09/02/09: black VHS tape

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE NAME ADDRESS CITY <input type="checkbox"/> FOLLOWING NAMED PERSON
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WHO HAS BEEN NOTIFIED ON THE FOLLOWSING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)#	AUTHORITY FOR DESTRUCTION	WITNESSED BY
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<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME	ADDRESS	CITY
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WHO HAS BEEN NOTIFIED ON THE FOLLOWSING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Taylor, Susan	1733	09/02/09 703	2 SSM	Rowberry, Keith	1400	09/04/09 121	2	2

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 SUPPLEMENTAL INVESTIGATION:

2

3 On 9/2/09 at 0530 hours I responded to to assist
4 in securing a crime scene at that location. I arrived at 0555 hours
5 and relieved Deputy Frank Dutra #9207 at the north end of the crime
6 scene near the driveway to .

7

8 At 0715 hours, the resident at approached my
9 location in the street near her residence and asked if everything was
10 ¿O.K.? She gave me the following statement.

11

12 STATEMENT OF :

13

14

15

16

17

18

19

20

21

22

stated that she was at her residence at
the evening of 9/1/09 into the early morning hours of 9/2/09.

24

25

26

27

28

29

30 said that she and her husband were watching television
in the back bedroom of their residence. Their back bedroom is located

OFFICER'S NAME
L. Longaker

ID NUMBER
1679

DATE
09/02/09 800

SHIFT/DAYS OFF
W-2 SSM

SUPERVISORS REVIEW
Rowberry, Keith

ID NUMBER
1400

DATE
09/04/09 129

PAGE OF
1 4

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 on the north east side of their residence with a north facing
 2 window.
 3
 4 Sometime after midnight they heard what they described to be 3
 5 gunshots in rapid succession. The gunshots sounded like a pistol or a
 6 handgun and were not high powered rifle shots.

7
 8 stated that she knew they were gunshots because she has heard
 9 gunshots before.

10
 11 stated that less than 2 minutes after hearing the shooting,
 12 and her husband heard the sound of passing sirens. The sound
 13 of the sirens quickly passed her residence traveling northbound.
 14 was able to look out her window and saw the flashing red and
 15 blue lights of a marked Sheriff's Office patrol vehicle traveling
 16 north through the intersection of Harding Avenue and Cox Avenue.

17
 18 SUPPLEMENTAL INVESTIGATION (CONT.):
 19
 20 I continued to maintain the northern edge of the outer perimeter while
 21 Sheriff's Office Crime Scene Investigations unit marked and
 22 identified items of evidence inside the crime scene.

23
 24 Deputy R. Breuss #1404, of the crime scene investigations unit,
 25 located skid marks in the crime scene. Having attended and completed
 26 an 80 hour P.O.S.T. certified course on the identification of skid
 27 marks and lateral speed scuff, Deputy Breuss asked me to assist him
 28 in interpreting the skids and tire scuffs that he located in and
 29 around the crime scene.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 I observed three distinct overlapping tire marks of a vehicle leaving
 2 the right edge of the roadway while traveling south along Harding
 3 Avenue just south of the residence at . The tire
 4 marks leave the road in a curving motion and then re-enter the
 5 roadway farther south of where they initially left the road.

6
 7 The curving tire marks indicate a southbound vehicle attempting to
 8 negotiate a left hand U-turn at speeds greater than the roadway width
 9 could allow.

10
 11 The tire marks indicate that the vehicle re-entered the roadway while
 12 traveling sideways in a left hand centrifugal speed slide. As the
 13 vehicle re-entered the roadway, the sliding rear tires left
 14 additional scuffs along the surface of the roadway as the vehicle
 15 slide to a stop facing northbound in the roadway.

16
 17 There is also a skid mark caused by the rapid acceleration of vehicle
 18 traveling northbound.

19
 20 The northbound acceleration skid begins at the termination of the
 21 southbound centrifugal speed scuff.

22
 23 There are tire marks in the dirt driveway caused by a northbound
 24 vehicle exiting the roadway and entering the south driveway of
 25 , and additional tire marks in the dirt driveway of a
 26 vehicle exiting the north driveway of .

27
 28 There are additional tire scuffs on the roadway surface caused by a
 29 northbound vehicle entering the roadway from the north driveway of
 30 at a high rate of speed.

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1

2 **I assisted Deputy Breuss in marking the tires, scuffs and skids.**

3

4 **Having prior experience using the laser surveying equipment, Deputy**

5 **Breuss also requested I assist him in marking and recording the**

6 **skids, and scuffs, as well as the other items of evidence located at**

7 **the scene.**

8

9 **See Deputy Breuss, report for the locations of items of evidence**

10 **collected and diagrams of the crime scene.**

11

12 **P.L.E.O.**

13

14 **Deputy L. Longaker #1679 Assist to Crime Scene Investigations**

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 INVESTIGATION:

2

3 On 09/01/2009 Deputies responded to the area of Harding Ave at

4 Highland Ave, in San Martin, in attempt to locate a wanted felon. At

5 approximately 2345 hours Sergeant Persiani received a tip that

6 Suspect Joel Barnes was going to be at this location. At 2357 hours

7 Deputy Doty, Deputy Bertoldi, Deputy Elder, Deputy Plett, Deputy

8 Cruz, Sergeant Persiani and I moved into to this location.

9

10 All units were in fully marked Sheriff Vehicles. I turned N/B on

11 Harding from Highland; I noticed headlights that were facing S/B. At

12 this point I was the forth vehicle on Harding Avenue. I was directly

13 behind Deputy Cruz. I observed the headlights turn into a driveway on

14 the west side of Harding.

15

16 I then observed the vehicle start losing control. I noticed the

17 vehicle's rear bed start fish-tailing, because it was accelerating at

18 a high rate of speed. I was able to see the back side of the vehicle,

19 which appeared to be a 1960-1970's pickup truck. I was unable to see

20 the color from my vantage point. After the vehicle went into the yard

21 I heard two gunshots. I did not observe who had fired the shots.

22

23 The suspect truck drove through a driveway, and then accelerated N/B

24 on Harding toward Cox Avenue. At this point I was not sure if the

25 suspect had fired at the Deputies. Based on prior encounters with S01

26 Barnes, I understand that S01 Barnes is a danger to the public. S01

27 Barnes has a long history of violence, and has a history of resisting

28 arrest and recklessly evading capture, in vehicles. I observed Deputy

29 Plett on the east side of Harding. Deputy Plett advised he was ok.

30 I joined the pursuit of S01 Barnes. Sergeant Persiani advised he was

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 behind the suspect vehicle N/B Santa Teresa approaching Sunshine.

2

3 Sergeant Persiani then advised S01 Barnes had rammed a gate from West
 4 San Martin to Watsonville Court. At this time Deputy Cruz and I were
 5 traveling S/B on Watsonville Road in attempt to catch up to S01
 6 Barnes. Sergeant Persiani continued from Watsonville Road, and then
 7 went W/B Redwood Retreat Road. The suspect was lost in the area of
 8 Summit Road and Pole line Road.

9

10 END OF REPORT:

11

12 PLEO:

13

14 Deputy Ramey # 1844 Supplemental Report

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. 09-244-0567G
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"V" = VICTIM
 "R" = REPORTING PARTY
 "W" = WITNESS
 "O" = OTHER
 STATE OF CA

VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #	2	2004	Ford	Expedition	4-Door	White	CA
R/O'S NAME (LAST, FIRST, MIDDLE)		<input type="checkbox"/> SAME AS VICTIM # _____		ADDRESS		CITY/STATE	ZIP
							DAMAGE TO VEHICLE
							Passenger side
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input checked="" type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> RELEASED AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF	
S. Vandegraaf	1787	09/02/09 1646	3	SSM	Pugh, Jr., Luther C.	1343	09/08/09 729	1	13

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
 Santa Clara County
 SUSPECT PAGE

CASE
 NO.

09-244-0567G

SUSPECT VEHICLE SUSPECT#	1	YEAR 1973	MAKE Ford	MODEL Pick Up	BODY TYPE 2-Door	COLOR Green	LICENSE/VIN	STATE	
ADDITIONAL IDENTIFIERS: <input type="checkbox"/> LOWERED <input type="checkbox"/> RAISED <input type="checkbox"/> SPECIAL PAINT <input type="checkbox"/> SPECIAL WHEELS <input type="checkbox"/> SUN ROOF/T-TOP									
R/O'S NAME (LAST, FIRST, MIDDLE)		<input checked="" type="checkbox"/> SAME AS SUSPECT # <u>1</u>			ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE Windshield
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input checked="" type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> RELEASED AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED									

OFFICER'S NAME S. Vandegraaf	ID NUMBER 1787	DATE 09/02/09 1646	SHIFT/DAYS OFF 3 SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/08/09 729	PAGE 2	OF 13
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **SUPPLEMENTAL INVESTIGATION:**

2

3 On 09-02-09 at about 0123 hours, I was working as a Night Detective

4 for the Investigative Services Bureau when I received a call from Lt.

5 Binder requesting I respond to the South County Substation to assist

6 with an on-going investigation. Prior to leaving the office, I

7 received another call from Lt. Binder requesting I transport the CSI

8 van to the South County Substation to turn over to the on-call CSI

9 team when they arrived on scene.

10

11 I prepped the CSI van and drove to the South County Substation. While

12 in route, I received a call from Sgt. Rowberry requesting assistance

13 in locating the outstanding suspect with a cell phone trace. I told

14 Sgt. Rowberry I was responding to the South County Substation and

15 would call him back to get the information when I arrived.

16

17 I arrived at about 0200 hours and met with Sgt. Lera and Sgt. Alanis.

18 Sgt. Alanis provided me with the information for a cell phone tower

19 trace. The cell phone number came back to the Verizon Wireless cell

20 phone carrier. I called Verizon Wireless and requested the

21 documentation to start the cell phone trace. I completed the form and

22 faxed the information to Verizon Wireless to start the trace.

23

24 While we were waiting for the information, Sgt. Lera requested I

25 collect evidence from V-01 Brian Plett. V-01 Plett was waiting in the

26 South County Interview room. I met with V-01 Plett and explained the

27 collection process. I took photos and placed the evidence items in

28 paper bags. I marked the bags with date and time stamps until the CSI

29 team arrived. After I finished collecting the evidence, I secured the

30 items in the CSI van.

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 Detective Rivera arrived at the South County Substation. I turned the

3 items over to Detective Rivera to secure for transportation to

4 Sheriff's Headquarters. I gave Detective Rivera the CSI van and he

5 proceeded to go to the crime scene on Harding Ave. in San Martin.

6

7 Sgt. Lera requested an update with the cell phone trace. I called

8 Verizon Wireless and spoke to a representative. The representative

9 told me there was a cell phone hit on the tower at 370 Airport Blvd

10 in Watsonville. The signal was approximately 3.7 miles from the

11 tower. I relayed the information to Sgt. Lera. Sgt. Lera requested I

12 photograph a patrol vehicle that was involved in the investigation

13 then prepare to have it towed to the Evidence Warehouse.

14

15 The vehicle was brought to the parking lot at the South County

16 Substation. I completed a visual inspection of the vehicle. I saw

17 damage to the passenger side tail light assembly. I took photos of

18 the vehicle and the damage to the vehicle. After taking the photos, I

19 called County Radio to have San Jose Tow respond to have the vehicle

20 towed to the Evidence Warehouse.

21

22 After San Jose Tow arrived and secured the vehicle, I escorted tow

23 truck to the Evidence Warehouse. I contacted Verizon Wireless to get

24 any updates for the cell phone trace. There was a hit on the cell

25 phone at 0415 hours at the tower at 370 Airport Blvd in Watsonville

26 approximately 3.7 miles from the tower. I called Sgt. Lera and

27 updated him with the information. I returned to Sheriff's

28 Headquarters and had the vehicle entered in to CLETS as a stored

29 vehicle. I downloaded the photos from my digital camera to CD. I

30 placed the tow sheet and the CD on Sgt. Lera's desk. I concluded this

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 portion of the investigation at 0830 hours.

2

3 Photo log:

4

5 DSC_0001 to DSC_0015 Photos of Deputy

6 DSC_0016 to DSC_0033 Photos of vehicle 06703

7 DSC_0034 to DSC_0063 Photos of vehicle 04719

8

9 On 09-02-09 at about 1600 hours, I returned to Sheriff's Headquarters.

10 The CSI team secured the evidence in the CSI processing area.

11 Detective Zazaboi and I reviewed the status of the evidence. I

12 photographed and packaged the evidence. I completed the evidence log

13 and secured the evidence in the CSI Processing area. I completed this

14 portion of the investigation at 0230 hours.

15

16 Evidence Items:

17

18 Item # 1-Cell phone

19 Item # 2-Washer

20 Item # 3-Taillight debris

21 Item # 4- Taillight debris

22 Item # 5- Taillight debris

23 Item # 6-Cup

24 Item # 7-Cup

25 Item # 8-Bottle

26 Item # 9-Shell casing

27 Item # 10-Shell casing

28 Item # 11-Shell casing

29 Item # 12-Video cassette

30 Item # 13-GSR kit

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

- 1 Item # 14-Belt
- 2 Item # 15-Vest
- 3 Item # 16-Badge
- 4 Item # 17-Misc. Items
- 5 Item # 18-Misc. Items
- 6 Item # 19-Shirt
- 7 Item # 20-Radio
- 8 Item # 21-Shirt
- 9 Item # 22-Boots
- 10 Item # 23-Socks
- 11 Item # 24-Pants
- 12 Item # 25-Belt
- 13 Item # 26-Pistol
- 14 Item # 27-Magazine
- 15 Item # 28-Key set
- 16
- 17 Photo log:
- 18
- 19 DSC_0001 to DSC_0004 Photos of Item # 1-Cell phone
- 20 DSC_0005 to DSC_0008 Photos of Item # 2-Washer
- 21 DSC_0009 to DSC_0011 Photos of Item # 3-Taillight debris
- 22 DSC_0012 Photo of Item # 4- Taillight debris
- 23 DSC_0013 Photo of Item # 5- Taillight debris
- 24 DSC_0015 to DSC_0017 Photos of Item # 6-Cup
- 25 DSC_0018 to DSC_0021 Photos of Item # 7-Cup
- 26 DSC_0022 to DSC_0025 Photos of Item # 8-Bottle
- 27 DSC_0026 to DSC_0030 Photos of Item # 9-Shell casing
- 28 DSC_0031 to DSC_0036 Photos of Item # 10-Shell casing
- 29 DSC_0037 to DSC_0041 Photos of Item # 11-Shell casing
- 30 DSC_0042 to DSC_0044 Photos of Item # 14-Belt

OFFICER'S NAME
S. Vandegraaf

ID NUMBER
1787

DATE
09/02/09 1646

SHIFT/DAYS OFF
3 SSM

SUPERVISORS REVIEW
Pugh, Jr., Luther C.

ID NUMBER
1343

DATE
09/08/09 729

PAGE OF
6 13

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 DSC_0045 to DSC_0047 Photos of Item # 15-Vest

2 DSC_0048 to DSC_0051 Photos of Item # 16-Badge

3 DSC_0052 to DSC_0054 Photos of Item # 17-Misc. Items

4 DSC_0055 to DSC_0057 Photos of Item # 18-Misc. Items

5 DSC_0058 to DSC_0060 Photos of Item # 19-Shirt

6 DSC_0061 to DSC_0066 Photos of Item # 20-Radio

7 DSC_0067 to DSC_0070 Photos of Item # 21-Shirt

8 DSC_0071 to DSC_0084 Photos of Item # 22-Boots

9 DSC_0085 to DSC_0087 Photos of Item # 23-Socks

10 DSC_0088 to DSC_0090 Photos of Item # 24-Pants

11 DSC_0091 to DSC_0111 Photos of Item # 25-Belt

12 DSC_0112 to DSC_0117 Photos of Item # 26-Pistol

13 DSC_0118 to DSC_0122 Photos of Item # 27-Magazine

14 DSC_0123 to DSC_0125 Photos of Item # 28-Key set

15

16 On 09-03-09 at about 1600 hours I returned to Sheriff's Headquarters.

17 I booked the evidence from the CSI processing area into the Evidence

18 Room. Detective Cordero and members of RATTF were in the process of

19 conducting a surveillance operation related to the on-going

20 investigation. We conducted our surveillance until we received a

21 message that S-01 Barnes may have been located.

22

23 At about 2259 hours, I received a call from Sgt. Lera to respond to 38

24 Webb Ave. in Watsonville to secure the suspect's vehicle. I contacted

25 County Radio to have San Jose Tow to respond to transport the

26 vehicle. At about 2327 hours I received a messaged from Sgt. Lera to

27 divert to a fire station on Casserley Rd. in Watsonville. I called

28 County Communications and had them update San Jose Tow to the new

29 location.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 I arrived at about 2340 hours at the fire station. I met with Sgt.
 2 Davis who told me the vehicle was in route on a flat bed tow truck
 3 escorted by a Santa Cruz Sheriff's Office patrol car. The tow truck
 4 and patrol car arrived and off loaded the vehicle. While the tow
 5 truck driver was off loading the vehicle, I heard a metallic sound. I
 6 looked over and saw the edge of the exhaust pipe mount caught on the
 7 edge of the tow truck flat bed. I alerted the tow truck driver. The
 8 tow truck driver stopped and adjusted the ramp until the pipe was
 9 free. I noted on the tow sheet the damage to the exhaust pipe.

10
 11 I stood by until San Jose Tow arrived. While I the tow truck driver
 12 was securing the vehicle, I received a call from Sgt. Lera. Sgt. Lera
 13 told me to check the inside of the suspect's truck for a cell phone
 14 and to take possession of it. I opened the driver's side door and
 15 took the cell phone and charger. At about 0039 hours, I secured the
 16 items in my detective's vehicle until the tow truck driver was ready
 17 to transport the vehicle.

18
 19 I escorted San Jose Tow from the fire station to the Evidence
 20 Warehouse. After we arrived at the Evidence Warehouse, I placed
 21 evidence seals on the doors and secured the vehicle in the warehouse.
 22 I returned to Sheriff's Headquarters and had the vehicle entered into
 23 CLETS as a stored vehicle. I secured the cell phone and charger in
 24 the temporary evidence storage locker in the Investigative Services
 25 Bureau. I placed the tow sheet on Sgt. Lera's desk. I concluded my
 26 portion of the investigation at about 0330 hours.

27
 28 P.L.E.O.'s

29
 30 Detective Vandegraaf 1787 Supplemental Report

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
---	---	-----------------	---------------------------------	---

SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS _____	<p style="font-size: 18pt; text-align: center;">Office of the Sheriff Santa Clara County</p> <p style="text-align: center;">55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
1	E		1	Cell Phone	Samsung	SCH-R810		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Received from Deputy Paul #1800			0	139169		<input type="checkbox"/>
DESCRIPTION Metro PCS cell phone with red cover collected by 1789 at 0438 hours								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
2	E		1	Washer				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Eastside of road way			0	133632		<input type="checkbox"/>
DESCRIPTION Silver Washer collected by 1789 at 1247 hours								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
3	E		1	Taillight debris				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Eastside of road way in Northbound lane			0	133633		<input type="checkbox"/>
DESCRIPTION Plastic fragments from tail light collected by 1789 at 1248 hours								

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE NAME _____ ADDRESS _____ CITY _____ <input type="checkbox"/> FOLLOWING NAMED PERSON
-------------	---

WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE _____	BY OFFICER _____	TO PICK UP THE FOLLOWING ITEM _____	AUTHORITY FOR RELEASE _____	CASE STATUS _____
--	------------------	-------------------------------------	-----------------------------	-------------------

STAFF OFFICER'S APPROVAL	APPROVAL DATE _____	RELEASED BY _____	DATE/TIME RELEASED _____
--------------------------	---------------------	-------------------	--------------------------

I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME _____ ADDRESS _____ CITY _____ DATE _____
--	--

<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)# _____	AUTHORITY FOR DESTRUCTION _____	WITNESSED BY _____ AND _____
---	---------------------------------	------------------------------

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)# _____	AUTHORITY FOR AUCTION _____	CASE STATUS _____
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<input type="checkbox"/> RELEASE TO:	NAME _____ ADDRESS _____ CITY _____
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE _____	BY OFFICER _____	TO PICK UP THE FOLLOWING ITEM _____	AUTHORITY FOR RELEASE _____	CASE STATUS _____
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STAFF OFFICER'S APPROVAL	APPROVAL DATE _____	RELEASED BY _____	DATE/TIME RELEASED _____
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME _____ ADDRESS _____ CITY _____ DATE _____
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
S. Vandegraaf	1787	09/02/09 1646	3 SSM	Pugh, Jr., Luther C.	1343	09/08/09 729	9	13

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> DV/120285	LOCATION CODES L# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
4	E		1	Taillight debris			LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Eastside of road way in Northbound lane			0	133634	<input type="checkbox"/>
DESCRIPTION Plastic fragments from tail light collected by 1789 at 1249 hours							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
5	E		1	Taillight debris			LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Eastside of road way in Northbound lane			0	133635	<input type="checkbox"/>
DESCRIPTION Plastic fragments from tail light collected by 1789 at 1251 hours							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
6	E		1	Cup	Starbucks		LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Dirt shoulder on East side of Northbound lane on Harding Ave			0	133636	<input type="checkbox"/>
DESCRIPTION Plastic Starbucks cup collected by 1789 at 1257 hours							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
7	E		1	Cup	Starbucks		LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Eastside of Northbound lane on Harding Ave in water trench			0	133637	<input type="checkbox"/>
DESCRIPTION Clear plastic Starbucks cup collected by 1789 at 1300 hours							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
8	E		1	Bottle	Arrowhead		LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Eastside of Northbound lane on Harding Ave in water trench			0	133638	<input type="checkbox"/>
DESCRIPTION Plastic water bottle collected by 1789 at 1302 hours							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
9	E		1	Shell casing			LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		East of water trench			0	133639	<input type="checkbox"/>
DESCRIPTION Shell casing and F.I. Card collected by 1789 at 1302 hours							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
10	E		1	Shell casing			LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		East of water trench Northeast of Item #9			0	133640	<input type="checkbox"/>
DESCRIPTION Shell casing and F.I. Card collected by 1789 at 1305 hours							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
11	E		1	Shell casing			LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		East of water trench Northeast of Item #10			0	133641	<input type="checkbox"/>
DESCRIPTION Shell casing and F.I. Card collected by 1789 at 1308 hours							
							BAR CODE
							Bar code

OFFICER'S NAME S. Vandegraaf	ID NUMBER 1787	DATE 09/02/09 1646	SHIFT/DAYS OFF 3 SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/08/09 729	PAGE 10	OF 13
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
12	E		1	Video cassette	Maxell	DV	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED from scene			VALUE	LOC CODE		PROCESS EVIDENCE
DESCRIPTION Video of crime scene taken by 1767								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
13	E		1	GSR			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED from Deputy Plett #2011			VALUE	LOC CODE		PROCESS EVIDENCE
DESCRIPTION GSR Kit collected by 1787 at 0215 hours								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
14	E		1	Belt			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED from Deputy Plett #2011			VALUE	LOC CODE		PROCESS EVIDENCE
DESCRIPTION Size 38 Black police underbelt collected by 1787 at 0252 hours								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
15	E		1	Vest	Second Chance		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED from Deputy Plett #2011			VALUE	LOC CODE		PROCESS EVIDENCE
DESCRIPTION Black Second Chance Ballistic Vest collected by 1787 at 0255 hours								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
16	E		1	Badge			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED from Deputy Plett #2011			VALUE	LOC CODE		PROCESS EVIDENCE
DESCRIPTION Sheriff's Badge #2011 collected by 1787 at 0255 hours								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
17	E		1	Misc. Items			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED from Deputy Plett #2011			VALUE	LOC CODE		PROCESS EVIDENCE
DESCRIPTION Key card, Red Floppy disk, Miranda Card, DV card, Eviction Card from right uniform shirt pocket collected by 1787 at 0256 hours								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
18	E		1	Misc. Items			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED from Deputy Plett #2011			VALUE	LOC CODE		PROCESS EVIDENCE
DESCRIPTION Black handcuff key, pen from left uniform shirt pocket collected by 1787 at 0257 hours								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
19	E		1	Shirt	Elbeco		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED from Deputy Plett #2011			VALUE	LOC CODE		PROCESS EVIDENCE
DESCRIPTION Uniform Shirt 17 1/2 collected by 1787 at 0259 hours								

OFFICER'S NAME S. Vandegraaf	ID NUMBER 1787	DATE 09/02/09 1646	SHIFT/DAYS OFF 3 SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/08/09 729	PAGE 11	OF 13
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
20	E		1	Radio	Motorola	XTS3000	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED from Deputy Plett #2011		VALUE 0		LOC CODE 133649	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION Black Motorola Radio and pouch collected by 1787 at 0300 hours									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
21	E		1	Shirt	Joe Boxer		BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED from Deputy Plett #2011		VALUE 0		LOC CODE 133650	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION Black T-Shirt size XLcollected by 1787 at 0302 hours									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
22	E		2	Boots	Danner		BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED from Deputy Plett #2011		VALUE 0		LOC CODE 133651	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION Black Boots size 12 collected by 1787 at 0304 hours									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
23	E		2	Socks			BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED from Deputy Plett #2011		VALUE 0		LOC CODE 133652	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION Black socks collected by 1787 at 0306 hours									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
24	E		1	Pants	Flying Cross		BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED from Deputy Plett #2011		VALUE 0		LOC CODE 133653	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION Green uniform pants size 40-short collected by 1787 at 0308 hours									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
25	E		1	Belt	Bianchi		BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED from Deputy Plett #2011		VALUE 0		LOC CODE 133631	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION Black Duty Belt size 40 with Magazine pouch, holster, flashlight loop, radio clip, Sure fire flashlight and holder, ASP and holder, 2 handcuffs and pouch, OC spay and holder, 2 loaded									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
26	E		1	Pistol	Glock	22	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED from Deputy Plett #2011 removed from Item #25		VALUE 0		LOC CODE 133654	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION Glock .40 cal pistol collected by 1787 at 0315 hours									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
27	E		1	Magazine			BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED from Deputy Plett #2011 removed from Item #26		VALUE 0		LOC CODE 133655	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION Loaded Magazine and 1 loose round collected by 1787 at 0315 hours									

OFFICER'S NAME S. Vandegraaf	ID NUMBER 1787	DATE 09/02/09 1646	SHIFT/DAYS OFF 3 SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/08/09 729	PAGE 12	OF 13
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
28	E		2	Key set			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	
		from Deputy Plett #2011			0	133656	<input type="checkbox"/>
DESCRIPTION 2 Sets of Car keys to vehicle # 06703 collected by 1787 at 0328 hours							

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
S. Vandegraaf	1787	09/02/09 1646	3 SSM	Pugh, Jr., Luther C.	1343	09/08/09 729	13	13

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County ADDITIONAL PARTIES		CASE NO. 09-244-0567G					
"V" = VICTIM		"R" = REPORTING PARTY		"W" = WITNESS		"O" = OTHER					
W02	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			<input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE	HT	WT	
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER							
ADDRESS			CITY/STATE	ZIP	PHONE		DL NUMBER		STATE		
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE		SSN				
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT											

OFFICER'S NAME R. Paul	ID NUMBER 1800	DATE 09/02/09 1831	SHIFT/DAYS OFF III SSM	SUPERVISORS REVIEW Wise, Edward W.	ID NUMBER 1639	DATE 09/08/09 1418	PAGE 1	OF 4
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 **ATTACHMENTS:**

2

3 (1) Compact Disc containing a Digital Recording of W02
 4 statement

5

6 **SUPPLEMENTAL INVESTIGATION:**

7

8 On 09-01-09 at approximately 2355 hours I responded to

9 for a report of an officer involved shooting. Deputy Winslow
 10 and I arrived at approximately 0020 hours. I blocked both lanes of
 11 Harding Avenue just south of the residence at with my
 12 patrol vehicle, and crime scene tape. Deputy Winslow made contact
 13 with a resident, the reporting party R01, at

14

15

16 Deputy Winslow told me R01 had called the Sheriff's Office to
 17 report the location of S01 Barnes. R01 told Deputy Winslow
 18 that S01 Barnes's girlfriend was in a trailer at
 19 and was receiving text messages from Barnes. I walked to the trailer
 20 and made contact with W01. W01 provided the following
 21 statement. I used a digital recorder to record the conversation.

22

23 **STATEMENT OF WITNESS 01 :**

24

25 W01 has been dating S01 Barnes for approximately 3 years. She
 26 has had infrequent contact with S01 Barnes during the last few weeks.
 27 She told me she was afraid of him because he had threatened her
 28 several days prior.

29

30 On 09-01-09 W01 at her residence and started receiving text

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 messages from S01 Barnes at approximately 1800 hours. Over the next
 2 5 hours W01 communicated with S01 Barnes several times via
 3 text messaging. She arranged to meet S01 Barnes in the nursery field
 4 just north of her residence.

5
 6 At approximately 2210 hours R01 arrived at .
 7 W01 and R01 walked back to his trailer where W01
 8 continued to exchange text messages with S01 Barnes. S01
 9 Barnes called W01 at approximately 2345 hours and started an
 10 argument with her. W01 ended the conversation by hanging up
 11 the phone.

12
 13 Approximately 2 to 3 minutes later W01 heard several engines
 14 rev up and tires squeal on Harding Avenue. Several seconds later she
 15 heard 3 gunshots and tires squeal again. R01 told W01
 16 that the cops were chasing S01 Barnes.

17
 18 At approximately 1228 hours on 9-2-09 W01 received a text message from
 19 S01 Barnes stating ;They shot me.; At 0032 hours she got another
 20 text from S01 Barnes saying ;I got away but I;m dying. I told you I;d
 21 die alone. I;m going thinking u set me up.; At 0035 hours a third
 22 text message arrived stating ;It bad coghin up blood Its all over me.
 23 Billy;s a rat punk. U 2 killed me. Ur love is my end Goodbye they
 24 can find my body at Raul;s property.; W01 received a final
 25 message from S01 Barnes at 0037 hour saying ;The only thing left for
 26 me to do is die. Im done talking.;

27
 28 **SUPPLEMENTAL INVESTIGATION:**

29
 30 Deputy Winslow took photographs of the messages and I took the

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 cellular telephone for evidence. I made contact at the following
2 residences to ensure the well being of the occupants: ,
3 , and . I was
4 unable to make contact at , or . I
5 returned to the scene and waited for CSI Detectives to arrive.

6
7 At approximately 0438 hours Deputy Rivera arrived and I gave him W01
8 cellular phone. At approximately 0515 hours Deputy J. Elder
9 arrived and relieved me from perimeter control.

10
11 On 09-02-09 I submitted a Compact Disc with a recording of W01
12 statement to the Detective Division.

13
14 END OF REPORT.

15
16 P.L.E.O.'s

17
18 Deputy R. Paul #1800 Supplemental Report

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
R. Paul	1800	09/02/09 1831	III SSM	Wise, Edward W.	1639	09/08/09 1418	4	4

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 INVESTIGATION:

2

3 On Tuesday 09/01/2009 I was on duty with the Parks Division as 81P4.

4 Nearing the end of my shift, I went to the south County Corporation

5 yard to fuel my patrol vehicle. The corporation yard is located on

6 Murphy Ave. in San Martin. At approximately 23:50 hours County

7 Communications asked, on frequency 12, for any available parks units

8 in the area to respond to the South County Sub-station ¿Code 2¿.

9 Deputy Bertoldi #2019, (81P3), advised he was 2 minutes away and

10 responding. Leaving the corporation yard I asked the dispatcher on

11 frequency 12 what the nature of the traffic was at the sub station.

12 I was told that the information was not for broadcast and was asked

13 to call in for the details. Using my cell phone I called County

14 Communications and was informed that we had information on a location

15 for felony fugitive Joel Barns.

16

17 I am aware that Joel Barns has a felony warrant for his arrest for 245

18 P.C. and 236 P.C. He is considered dangerous and believed to be

19 armed with a hand gun that he had reportedly stolen from his father.

20 Over the past few weeks he has had three encounters with deputies

21 attempting to arrest him. One was with me on 08/20/2009. On that

22 date at approximately 1735 hours I saw a subject, later identified as

23 Joel Barns, walking towards the backyard of .

24 Moments later I saw him in the N/E corner of the backyard about 25

25 yards away from me. Knowing he was believed to be armed I ordered

26 him to the ground at gunpoint. He ignored my commands, turned his

27 back, jumped a fence and fled on foot. Two subsequent encounters

28 with Deputies over the next several days involved high speed

29 pursuits. All three encounters resulted in Barns eluding capture.

30

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 09-244-0567G			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
<p>1</p> <p>2 As I was personally familiar with Barns, I attached myself to the</p> <p>3 detail and advised County Communications that I was enroute to the</p> <p>4 South County Sub-station. Upon arrival at the sub station I saw that</p> <p>5 all of the units involved in the detail were assembling in the gravel</p> <p>6 parking lot on the west side of the sub station. Sergeant Persiani</p> <p>7 (8G10) was organizing the detail. He informed us that we had</p> <p>8 reliable information that Barns was currently at a nursery on Harding</p> <p>9 Ave. in San Martin. It was my understanding that Barns was</p> <p>10 reportedly in a dark colored vehicle waiting to meet his girlfriend.</p> <p>11 Sergeant Persiani was assigning units to respond to various locations</p> <p>12 on the streets surrounding the nursery with the intent of</p> <p>13 establishing a perimeter. I was assigned to follow Deputy Plett</p> <p>14 #2011 (61G1) to the front of the nursery. Within just a few minutes</p> <p>15 of my arrival at the sub station we were told to move to our assigned</p> <p>16 locations. There was a sense of urgency about the detail. Sergeant</p> <p>17 Persiani wanted to get the perimeter set quickly before Barns had a</p> <p>18 chance to move to another location and elude capture once again.</p> <p>19</p> <p>20 We left the sub station at approximately 2355 hrs. I followed Deputy</p> <p>21 Plett (61G1) W/B on Highland from the sub station. We turned onto</p> <p>22 Harding heading N/B from Highland. Approximately ¼ mile north of</p> <p>23 Highland I saw a set of headlights coming toward us in the S/B lane</p> <p>24 of Harding. Deputy Plett and I both slowed. I was slowing with the</p> <p>25 intent of trying to take a good look at the oncoming vehicle as it</p> <p>26 passed to see if Barns might be inside. I believe Deputy Plett was</p> <p>27 doing the same. Deputy Plett was driving a fully marked Crown</p> <p>28 Victoria and I was driving a fully marked Ford Expedition 4X4. As</p> <p>29 the oncoming vehicle neared Plett's patrol car and came close enough</p> <p>30 to illuminate his car with its headlights, allowing the driver to see</p>								
OFFICER'S NAME Doty, Albert W.	ID NUMBER 1353	DATE 09/02/09 1904	SHIFT/DAYS OFF	SUPERVISORS REVIEW Taylor, Susan	ID NUMBER 1733	DATE 09/04/09 1552	PAGE 2	OF 6

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 that it was a marked patrol car. The vehicle suddenly accelerated.

2 It was my impression that the driver had recognized that we were

3 Sheriff's patrol vehicles and was attempting to flee. Deputy Plett

4 moved his car over partially blocking the vehicles path in the S/B

5 lane. Suddenly both vehicles started swerving violently. At that

6 point I believed that the driver of this oncoming vehicle was likely

7 our suspect Joel Barns and he was once again attempting to elude

8 capture. The vehicle got past Deputy Plett's vehicle and continued

9 to accelerate. I also moved my patrol vehicle over into the S/B

10 lanes attempting to block the path of the fleeing vehicle. As it

11 came within feet of the front of my vehicle I swerved to the left in

12 an attempt to avoid a head on collision. At the same instant the

13 driver of the vehicle swerved hard to his left. I was somewhat

14 blinded by the glare of the oncoming vehicles headlights and was not

15 able to see the occupant(s). A head on collision was successfully

16 avoided and the vehicle passed me on the right side. I could see

17 that it was a green older model, 60's or 70's series, full size

18 pickup truck. I did not get a good look at the driver and could not

19 tell if there was a passenger. My vehicle continued turning left

20 and as the suspect vehicle passed it struck the right rear corner of

21 my vehicle. The contact caused the suspect vehicle to fish tail but

22 the driver quickly regained control. It then made a sharp u-turn to

23 the right around the rear of my vehicle and headed back N/B in the

24 dirt on the west side of Harding. The suspect vehicle passed 15 to

25 20 feet in front of my vehicle. There was some sort of shrubbery or

26 trees between me and it as it passed N/B in the dirt. By this point

27 I had come to a complete stop. After passing my location the suspect

28 vehicle continued N/B in the dirt for a short distance and then

29 turned hard to the right headed back onto the pavement. Deputy

30 Plett's vehicle was stopped north of my location and was at a right

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 09-244-0567G
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 angle to the roadway with its front end blocking the N/B lane of
2 Harding. Deputy Plett had exited his vehicle and was standing on the
3 roadway near the left side of it. As the suspect vehicle came back
4 onto the pavement it was headed directly at Deputy Plett. Deputy
5 Plett started moving to his left, apparently trying to get out of the
6 path of the vehicle headed toward him. His service weapon was drawn
7 and he was pointing it at the cab of the suspect vehicle. The
8 vehicle started to turn to its left and as it passed Deputy Plett he
9 fired at least two and possibly three shots in the direction of the
10 cab of the suspect vehicle. The vehicle did not slow down, in fact
11 it continued to accelerate heading away from us N/B on Harding.

12
13 I looked to see if Deputy Plett was OK. He was still on his feet and
14 appeared uninjured. I activated the emergency lights and siren on my
15 patrol vehicle and accelerated in an attempt to catch up to the
16 fleeing suspect vehicle. I advised County Communications that I was
17 in pursuit heading N/B on Harding. (I was transmitting on frequency
18 12). The camera on my patrol vehicle was not functioning. The
19 suspect vehicle had a head start on me and I was too far back to get
20 a license number or detailed description. After less than ¼ mile,
21 the lights on the fleeing vehicle went off making it even more
22 difficult to provide further descriptive information. Travelling N/B
23 on Harding we were reaching speeds of 90+ MPH. From Harding the
24 suspect turned left onto W/B California and accelerated to speeds in
25 excess of 80+ MPH. There were no other vehicles on the road at the
26 time. At Santa Teresa the suspect vehicle made a right turn onto
27 N/B Santa Teresa. At this point the vehicle was almost ¼ mile in
28 front of me. As the suspect vehicle made the right onto Santa Teresa
29 a marked Patrol vehicle with its emergency equipment activated
30 travelling N/B Santa Teresa came in behind it. This second patrol

OFFICER'S NAME Doty, Albert W.	ID NUMBER 1353	DATE 09/02/09 1904	SHIFT/DAYS OFF	SUPERVISORS REVIEW Taylor, Susan	ID NUMBER 1733	DATE 09/04/09 1552	PAGE 4	OF 6
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 09-244-0567G
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 vehicle was being driven by Sergeant Persiani. He took over as the
2 primary unit in the pursuit and was calling it himself on frequency
3 1. At this point I was too far back and lost sight of them as they
4 went up over a rise and around a corner on N/B Santa Teresa. I
5 continued to follow the pursuit taking the streets as called by
6 Sergeant Persiani. From N/B Santa Teresa it went to W/B Sunshine
7 then right onto N/B San Martin. He crashed through a large steel
8 gate on San Martin near Watsonville Rd. At Watsonville Rd. he turned
9 left heading S/B on Watsonville Rd. Then right onto W/B Redwood
10 Retreat Rd. From there he stayed to the left and continued W/B up
11 Mt. Madonna Road from Redwood Retreat Rd. Mt. Madonna Road is dirt
12 most of the way up to where it intersects with Pole Line and Summit
13 Roads. Leaving a cloud of dust in its wake that was difficult for
14 pursuing units to see through, the suspect vehicle was eventually
15 lost at the three way intersection of Mt. Madonna, Summit, and Pole
16 Line Roads. For further details of the pursuit after heading N/B on
17 Santa Teresa see the supplemental report by Sergeant Pursiani.
18
19 Pole Line Road enters Mt. Madonna Park at the point where the vehicle
20 was lost. Being assigned to parks, I along with Deputy Bertoldi,
21 who is also assigned to Parks, assisted with the search of Mt.
22 Madonna Park and with the establishment of the Command Post at the
23 Mt. Madonna Ranger Station. A thorough search of the park was
24 conducted and neither the suspect nor the suspect vehicle was
25 located. After the Command Post was established at the ranger
26 station I responded to the South County Sub Station, where I made
27 myself and my patrol vehicle available to investigators. My vehicle
28 #04419 was impounded for evidence and I gave all necessary statements
29 to investigators.
30

OFFICER'S NAME Doty, Albert W.	ID NUMBER 1353	DATE 09/02/09 1904	SHIFT/DAYS OFF	SUPERVISORS REVIEW Taylor, Susan	ID NUMBER 1733	DATE 09/04/09 1552	PAGE 5	OF 6
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REPORT TYPE
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Assault with a deadly weapon <> 2800.2 VC [F]

SUPPLEMENTAL

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CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 For further details see the original report and all other associated
2 supplemental reports
3 END OF REPORT
4
5
6 P.L.E.O.
7 Deputy A. Doty #1353 ; Supplemental Report

OFFICER'S NAME
Doty, Albert W.

ID NUMBER
1353

DATE
09/02/09 1904

SHIFT/DAYS OFF

SUPERVISORS REVIEW
Taylor, Susan

ID NUMBER
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DATE
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. <h1 style="margin:0;">09-244-0567G</h1>
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"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

W02	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE	HT	WT
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VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____
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ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
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BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN	
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VICTIM INFORMATION: NON DISCLOSURE (WHERE APPLICABLE) INJURY SART BLOOD URINE PHOTOGRAPH STUDENT

R01	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE	HT	WT
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VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____
---	--

ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
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BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN	
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VICTIM INFORMATION: NON DISCLOSURE (WHERE APPLICABLE) INJURY SART BLOOD URINE PHOTOGRAPH STUDENT

OFFICER'S NAME Winslow	ID NUMBER 2031	DATE 09/02/09 2036	SHIFT/DAYS OFF III SSM	SUPERVISORS REVIEW Benner, David	ID NUMBER 1861	DATE 09/04/09 628	PAGE 1	OF 6
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 **ATTACHMENTS:**

2

3 **One compact disk containing digital photographs**

4

5 **INVESTIGATION:**

6

7 **On 09-01-2009 at approximately 2355 hours while working uniformed**
 8 **patrol, I heard over my radio that gunshots had been fired during an**
 9 **attempt to locate a suspect wanted on a felony warrant. Deputy Paul**
 10 **#1800 and I responded to the area of _____ in San**
 11 **Martin where the gunshots had been fired.**

12

13 **We arrived at approximately 0020 hours. Upon our arrival there were**
 14 **no persons in the street and all Deputies who where there earlier**
 15 **where now involved in efforts to locate the suspect, S01 Joel**
 16 **Barnes.**

17

18 **Deputy Paul and I talked to residents in the area to get an idea of**
 19 **where the gunshots were fired from and what occurred. Using our**
 20 **patrol cars, Deputy Paul and I blocked off Harding road from the**
 21 **south end of _____ Harding to the north end of _____ Harding.**

22

23 **I was approached by a man, later identified as R01**
 24 **who told me S01 Barnes just sent a message to W01**
 25 **The message said, ¿They shot me.¿ R01 _____ was crying**
 26 **and saying, ¿You gotta find him, he¿s hurt.¿**

27

28 **R01 _____ said he was the person who called Sergeant Persiani #1494**
 29 **and told him that S01 Joel Barnes was in the area of Harding. I took**
 30 **a statement from R01**

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1

2 **STATEMENT OF REPORTING PARTY (01) :**

3

4 **R01 is the ex-boyfriend of W01 . S01 Barnes is the**

5 **current boyfriend of W01 . R01 is unhappy with S01**

6 **Barnes because he has physically harmed W01 .**

7

8 **On 09-01-2009 during the late evening, W01 told R01**

9 **she received a call from S01 Barnes. S01 Barnes said he wanted to**

10 **pick her up and take her to the store. R01 told W01**

11 **he was concerned for her welfare and did not want W01 to go**

12 **with S01 Barnes. R01 knew there were outstanding warrants**

13 **for S01 Barnes and decided it would be better to call the Sheriff's**

14 **Department so S01 Barnes could be taken into custody.**

15

16 **R01 convinced W01 to allow S01 Barnes to come to the**

17 **house so he could be arrested. R01 called Sheriff Dispatch**

18 **and told them S01 Barnes was going to be near his house soon.**

19

20 **On 09-01-2009 at approximately 2345 hours, R01 called Sheriff**

21 **Dispatch and said he thought S01 Barnes just arrived and they**

22 **Deputies needed to get to his house right away.**

23

24 **R01 climbed to the top of his roof to see what was going on.**

25 **R01 saw S01 Barnes parked on the south side of the Nursery**

26 **building at . R01 was driving a 1977 faded**

27 **green, Ford full-size pickup. R01 then saw two Sheriff cars**

28 **driving north on Harding past his house; one was a car and one was an**

29 **SUV.**

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 The Sheriff car pulled perpendicular to the road and blocked exit to
 2 the south. S01 Barnes pulled out of the Nursery driveway and drove
 3 south, into the oncoming Deputies. S01 Barnes drove around the
 4 Sheriff car and then collided with the Sheriff SUV. S01 Barnes
 5 pulled his vehicle into the south driveway of _____, drove
 6 north through the driveway of the property, and exited the north
 7 driveway.

9 Near the north driveway, R01 _____ saw another Sheriff car parked
 10 perpendicular across the road. As S01 Barnes pulled back onto the
 11 road, R01 _____ heard three successive gunshots. R01 _____ saw
 12 the patrol car was back end into the ditch on the east side of the
 13 road. It looked like the Sheriff car was stuck in the ditch.

15 R01 _____ saw S01 Barnes drive off north on Harding at a high rate
 16 of speed followed by several Sheriff vehicles with their lights and
 17 sirens going.

19 INVESTIGATION CONTINUED:

21 R01 _____ said he received three additional messages forwarded to
 22 him by W01 _____. The messages read, ¿Igut away but im dying. I
 23 told u id die alone. Imgoin thinin u setme up¿, ¿It bad coughin up
 24 blood. Its all over me. _____ a rat punk. U2 killed me. Ur love was
 25 my end. Goodbye, They can find my body on rauls prperty¿ and ¿The
 26 only thing left 4 me is 2 die. Im done talking¿

28 EVIDENCE:

30 I took digital photographs of these messages from R01 _____ cell

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 Nokia cell phone. I took one photo of W01 cell phone of the
 2 first message she received. I also took initial photographs of the
 3 scene. I transferred these photographs onto a compact disk and then
 4 submitted the compact disk to the Detective's tray at Sheriff
 5 Headquarters.

7 INVESTIGATION CONTINUED:

9 I searched the area looking for possible evidence. I located three
 10 spent handgun casings on the east side of the roadway, in the dirt,
 11 near a cardboard sign with the words, "Phillips 12690-A."

13 Sergeant Rowberry and I cordoned off the area with crime scene tape,
 14 marking off the areas where possible evidence was found.

16 While searching for evidence, I talked to the resident of
 17 Harding, later identified as W02. W02 gave the
 18 following statement.

20 STATEMENT OF WITNESS (W02) :

22 W02 lives at the residence along with his partner
 23 and mother. W02 was inside the house and heard
 24 cars driving fast on the road. W02 looked out the south
 25 window and saw a truck driving south and then a few moments later it
 26 drove north. W02 saw the vehicle pull into the south driveway
 27 of his property and drive north through the property.

29 As W02 walked towards the north side of the house he heard what
 30 sounded like two to three gunshots. When W02 looked out the

REPORT TYPE SUPPLEMENTAL
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Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE NO. **09-244-0567G**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 north window he saw a pickup driving north on Harding. W02
2 also saw a Sheriff car with the back half off the east side of the
3 road stuck in a ditch. W02 and his brother-in-law used their
4 pickup to help pull the Deputies vehicle out the ditch. The Deputy
5 left shortly after that.

6

7 INVESTIGATION CONTINUED:

8

9 At approximately 0500 hours, Deputy Rivera #1789, Lieutenant Wise
10 #1682, Captain Pugh #1343, and Sergeant Rowberry #1400 entered the
11 crime scene to survey the scene.

12

13 At approximately 0520 hours, Reserve Deputy Dutra #9207 relieved me at
14 the north side of the crime scene.

15

16 END OF REPORT

17

18 PLEO:

19

20 Deputy Winslow #2031, Supplemental report
21 Deputy Paul #1800, Supplemental report
22 Sergeant Rowberry #1400, Assist / No report
23 Sergeant Persiani #1494, Supplemental report
24 Reserve Deputy Dutra #9207, Assist / No report

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. <h1 style="margin:0;">09-244-0567G</h1>
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"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

V01	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____						
ADDRESS _____		CITY/STATE _____		ZIP _____	PHONE _____		DL NUMBER _____	STATE _____
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____		CITY/STATE _____		ZIP _____	PHONE _____		SSN _____	
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT								

O01	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____						
ADDRESS _____		CITY/STATE _____		ZIP _____	PHONE _____		DL NUMBER _____	STATE _____
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____		CITY/STATE _____		ZIP _____	PHONE _____		SSN _____	
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT								

OFFICER'S NAME Abuel, Jacob	ID NUMBER 1946	DATE 09/03/09 711	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Taylor, Susan	ID NUMBER 1733	DATE 09/04/09 1047	PAGE 1	OF 6
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County SUSPECT PAGE	CASE NO. <div style="font-size: 24pt; font-weight: bold; text-align: right;">09-244-0567G</div>
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<input type="checkbox"/> BOOKED	<input type="checkbox"/> CITED	<input type="checkbox"/> 849(B) PC	<input type="checkbox"/> COMPLAINT REVIEW	<input type="checkbox"/> INFO ONLY	<input checked="" type="checkbox"/> AT LARGE	<input type="checkbox"/> VMC	<input type="checkbox"/> SEE JCR
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S# 01	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Barnes Joel	RACE White	M <input checked="" type="checkbox"/> F <input type="checkbox"/>	DOB	AGE	HT	WT	HAIR	EYES
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AKA/MONIKER	RELATIONSHIP TO VICTIM	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER
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ADDRESS	CITY/STATE	ZIP	PHONE	PFN
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BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	PHOTO ID#
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DL NUMBER	STATE	SSN	CITE#	CEN
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CLOTHING	UNIQUE IDENTIFIERS (CII#)
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HAIR STYLE <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT <input type="checkbox"/> GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES	HAIR TYPE <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER <input type="checkbox"/> HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MAN <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN <input type="checkbox"/> CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK	BUILD <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN <input type="checkbox"/> TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	COMPLEXION <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM <input type="checkbox"/> APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADD'L, SEE NARRATIVE	WEAPONS <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HANDS / FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI-AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER: _____	SCARS, MARKS, TATTOOS ETC. CODE: LOC: DESC: <input type="checkbox"/> ADD'L, SEE NARRATIVE CODE: S=SCARS M=MARKS P=PIERCING T=TATTOO MB=MISSING BODY PTS.
UNDER THE INFLUENCE <input type="checkbox"/> Alcohol <input type="checkbox"/> Simulant (Cocaine, Methamphetamines, etc.) <input type="checkbox"/> Depressant (Heroin, etc.) <input type="checkbox"/> Other: _____						
Student: <input type="checkbox"/>						

OFFICER'S NAME Abuel, Jacob	ID NUMBER 1946	DATE 09/03/09 711	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Taylor, Susan	ID NUMBER 1733	DATE 09/04/09 1047	PAGE 2	OF 6
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 **SUPPLEMENTAL REPORT**

2

3 **INVESTIGATION:**

4

5 On 09/02/2009 at approximately 0748 Hours, I was dispatched to
 6 in San Martin for a prior
 7 vandalism. Sgt. Taylor #1733 advised me that this incident was
 8 associated to the vehicle pursuit that occurred on 09/01/2009 at
 9 approximately 2345 hours (Event #09-244-0567G).

10

11 Upon arrival, I made contact with the Reporting Party/Victim, Lloyd
 12 McDonald and he provided me with the following statement:

13

14 **STATEMENT OF VICTIM** :

15

16 V01 lives at in San Martin. V01
 17 residence belongs to the .
 18 is a private road owned by the people who live in that
 19 community. V01 is a board member of the community. V01 is
 20 also responsible for any maintenance work that needs to be done
 21 within the community.

22

23

24

25

26

27

28 On 09/02/2009 at approximately 0640 hours, V01 son, O01
 29 , was going to work when he noticed that the Watsonville
 30 Court gate was lying on the ground. The gate was wide open and

REPORT TYPE SUPPLEMENTAL
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Office of the Sheriff
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CASE
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LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 detached from the gear box. 001 moved the gate to the side and
2 advised V01 of the incident.

3
4 V01 examined the gates and the surrounding area. V01 said
5 noticed that the gates were bent from the middle and had green paint
6 residue on them. V01 also located what appear to be vehicle
7 emblems from a 70's model Ford pick-up truck. The emblems were the
8 letters F, O, and D. The letters were green in color and made from
9 a mixture of plastic and metal.

10
11 On 09/01/2009 at approximately 2100 hours, V01 said that the
12 gate was in normal condition. V01 told me that the incident
13 probably happened overnight.

14
15 V01 said that it would cost the community approximately \$6000 to
16 fix the damaged gate.

17
18 INVESTIGATION CONTINUED:

19
20 I examined the gate which was lying on the west side of the road. I
21 noticed the gate was bent from the middle with green paint residue on
22 it. I also noticed the arm of the gate was detached from the gear box
23 that controls the gate.

24
25 I explained and provided V01 the Marsy's card and an event
26 card.

27
28 PHOTOGRAPHS:

29
30 I took several digital photographs of the damaged gate, the vehicle

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
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REPORT TYPE
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Assault with a deadly weapon <> 2800.2 VC [F]

SUPPLEMENTAL

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CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 emblems, and the area of the incident. I copied the photos onto a CD
2 and I submitted the CD to the South County Substation detective
3 unit.

4

5 **EVIDENCE:**

6

7 I collected the vehicle emblems (F, O, and D) that V01 located
8 on scene. I think that the emblems belong to a 70's model FORD
9 pick-up. I submitted the emblems as evidence to the South County
10 Substation evidence room.

11

12 **P.L.E.O**

13

14 Deputy J. Abuel #1946 Supplemental Report

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS

S01	Barnes Joel	<input type="checkbox"/> STATE OF CA.	Res: RPh: Bus:	BPh:	<h2 style="margin: 0;">Office of the Sheriff</h2> <h3 style="margin: 0;">Santa Clara County</h3> 55 West Younger Avenue San Jose CA 95110 (408) 808-4500
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<h2 style="margin: 0;">LOCATION</h2> <h1 style="margin: 0;">BAR CODE</h1> <p style="margin: 0;">Bar code</p>
1	E	S01	3	Emblems			
SERIAL NUMBER		LOCATION COLLECTED		VALUE	LOC CODE	PROCESS EVIDENCE	

DESCRIPTION **Vehicle emblems to a Ford pick-up truck (Letters F, O, &D).**

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE <input type="checkbox"/> FOLLOWING NAMED PERSON	NAME	ADDRESS	CITY
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
--	------------	-------------------------------	-----------------------	-------------

STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)#	AUTHORITY FOR DESTRUCTION	WITNESSED BY
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<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME	ADDRESS	CITY
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Abuel, Jacob	1946	09/03/09 711	II SSM	Taylor, Susan	1733	09/04/09 1047	6	6

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **SUPPLEMENTAL INFORMATION:**

2

3 On 09/02/09 at approximately 0645 hours, I was assigned to secure the

4 perimeter near _____ in San Martin for the collection

5 of evidence from a prior officer involved shooting.

6

7 At approximately 0815 hours, I started a perimeter log. The log

8 included the following:

10 TIME	10 NAME	10 IN/OUT
12 0815	Sgt. Lera #1641	In
13 0815	Sgt. A. Alanis #1678	In
15 0827		Out
16 0827		Out
17 0827		Out
19 0836	Sgt. Lera #1641	Out
20 0837	Sgt. Lera #1641	In
22 0846	Sgt. Lera #1641	Out
23 0846	Sgt. Alanis #1678	Out
24 0846	Det. Zazaboi #1767	Out
26 0848	Det. Zazaboi #1767	In
27 0848		In
28 0848		Out
29 0848		Out

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1	1017		In
2	1017		In
3			
4	1111		Out
5			
6	1113		In
7			
8	1114	Det. Breuss #1404	Out
9	1114		Out
10			
11	1127		Out
12			
13	1128		In
14			
15	1144	Det. Breuss #1404	In
16	1144		In
17			
18	1206		In
19			
20	1208		Out
21	1208		In
22			
23	1214		Out
24			
25	1404		In
26			
27	1419		Out
28			
29	SUPPLEMENTAL INFORMATION CONTINUED:		
30			

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 09-244-0567G
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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- 1 At approximately 1456 hours, the perimeter was no longer necessary.
- 2
- 3 PLEOs:
- 4
- 5 Deputy M. Henderson #1837, Supplemental Report

OFFICER'S NAME Henderson, Mandy	ID NUMBER 1837	DATE 09/03/09 819	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Rowberry, Keith	ID NUMBER 1400	DATE 09/04/09 135	PAGE 3	OF 3
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2

3 **SUPPLEMENT:**

4

5 On 9/1/09, at approximately 2345 hours, Sergeant Persiani #1494

6 informed me and Deputy Plett #2011 he had just been informed that a

7 wanted felon, Joel Barnes, was going to be at the

8 in San Martin within next few minutes. S01 Barnes is wanted

9 for PC 273.5, PC 236, and PC 245. S01 Barnes is known to be armed and

10 dangerous. S01 Barnes has been in numerous pursuits with the Santa

11 Clara County Sheriff's Office and Morgan Hill Police Department

12 within the past month and a half.

13

14 Sergeant Persiani coordinated the ATC with my self, Deputy Plett,

15 Deputy Cruz #1956, Deputy Ramey #1844, Deputy Doty #1353, and Deputy

16 Bertoldi #2019 at the South County Sub Station. Harding Avenue runs

17 north to south. Highland Avenue and Cox Avenue run east to west and

18 both intersect with Harding Avenue. Deputy Bertoldi was going to take

19 the northern perimeter position of Cox Avenue at Harding Avenue. I

20 took the southern perimeter position of Highland Avenue at Harding

21 Avenue. Deputy Plett, Deputy Doty, Deputy Cruz, Deputy Ramey were

22 going to make contact with S01 Barnes on Harding Avenue. Sergeant

23 Persiani took the western perimeter position on Santa Teresa

24 Boulevard in between Highland Avenue and San Martin Avenue. Every

25 Sheriff's Office unit was driving a marked patrol vehicle or marked

26 parks patrol SUV.

27

28 At approximately 2357 hours, all deputies and Sergeant Persiani left

29 the substation and headed over to Harding Avenue (approximately ¼

30 mile away from the substation). I drove westbound onto Highland

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Avenue where I saw Deputy Plett and Deputy Doty in their patrol
 2 vehicles make a N/B turn onto Harding Avenue. I pulled over to the
 3 right to let the other Sheriff's Office vehicles pass me. Sergeant
 4 Persiani passed me in his patrol vehicle passing Harding Avenue
 5 making a N/B turn onto Santa Teresa Boulevard. Deputy Cruz and Deputy
 6 Ramey passed me in their patrol vehicles and made a N/B turn onto
 7 Harding Avenue.

8

9 I came to a stop on Highland Avenue at Harding Avenue with all of my
 10 windows down. I could see brake lights and could hear tires
 11 screeching. Having watched Deputy Cruz and Deputy Ramey turn down
 12 Harding Avenue I could see their vehicles come to an abrupt stop and
 13 one of them swerving to the right as to avoid hitting something. I
 14 heard 2 to 4 gun shots and more tires screeching. I could see tail
 15 lights traveling N/B on Harding Avenue at a high rate of speed.
 16 Deputy Cruz notified radio that shots were fired by Deputy Plett. I
 17 turned down Harding Avenue and could see patrol vehicles in pursuit
 18 N/B on Harding Avenue. I came to a stop next to Deputy Plett who was
 19 standing outside his patrol vehicle. Deputy Plett's patrol vehicle
 20 was stuck in a ditch facing W/B with the front end off the ground and
 21 partially blocking the N/B lane. I asked Deputy Plett if he was ok
 22 and he told me, 'Yes, he tried to hit me with his car'. I asked
 23 Deputy Plett if he was hurt and he told me, 'No'. I asked Deputy
 24 Plett if he was sure he was ok and he told me, 'I'm ok I'm not hurt.
 25 Just my car is stuck in the ditch but I'm ok. Go go.'

26

27 I drove N/B on Harding Avenue following Deputy Cruz and Deputy Ramey.
 28 I did not know that my radio was on control 12 and not control 1. I
 29 turned N/B onto Santa Teresa Boulevard and tried to catch up with the
 30 other units in pursuit of S01 Barnes. I saw two parks units in their

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 09-244-0567G
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 SUVs going W/B on Sunshine Avenue and two patrol vehicles traveling
2 N/B on Santa Teresa Boulevard towards Watsonville Road. I followed
3 the two patrol vehicles, Deputy Cruz and Ramey, N/B on Santa Teresa
4 Boulevard approaching Watsonville Road. There was a Morgan Hill PD
5 unit at the intersection of Santa Teresa Boulevard and Watsonville
6 Road with his emergency lights on. Deputy Cruz, Ramey, and I turned
7 W/B on Watsonville Road; and the MHPD officer followed us. My radio
8 was scanning MHPD's frequency and I heard the MHPD officer behind me
9 notify his dispatch that he was sitting at that intersection for five
10 minutes and did not see anyone pass. Due to my radio being on Control
11 12 and not Control 1 I was not hearing all the updates Sergeant
12 Persiani was putting out. I thought we had lost S01 Barnes and
13 decided to go back and check on Deputy Plett, even though he said he
14 was ok and was out of danger. While on my way back to Harding Avenue
15 I realized my radio was on the wrong channel and put it back to
16 Control 1. I heard Sergeant Persiani giving updates that he and S01
17 Barnes were southbound on Watsonville Road and that S01 Barnes turned
18 off his vehicle lights. Sergeant Persiani also said they were turning
19 W/B on Redwood Retreat Road. I knew S01 Barnes is known to have a
20 hide out on Summit Road and thought he might head all the way up
21 Redwood Retreat Road where it ends onto Summit Road.

22
23 At Santa Teresa Boulevard and Highland Avenue I decided to try and cut
24 off S01 Barnes at Summit Road, Pole Line Road, and Redwood Retreat
25 Road by taking Hecker Pass Road to Pole Line Road. I turned on my
26 lights and siren and headed up to Summit Road and Pole Line Road.
27 Sergeant Persiani was still giving updates stating that he lost a
28 visual of S01 Barnes on Redwood Retreat's dirt road. Sergeant
29 Persiani stated he was following the dust trail left by S01 Barnes's
30 vehicle. When Sergeant Persiani got to the intersection of Pole Line

OFFICER'S NAME Elder, Jennifer	ID NUMBER 1977	DATE 09/04/09 633	SHIFT/DAYS OFF I SSM	SUPERVISORS REVIEW Benner, David	ID NUMBER 1861	DATE 09/04/09 2312	PAGE 3	OF 4
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 09-244-0567G
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Road, Summit Road, and Redwood Retreat Road he informed radio he lost
2 visual of S01 Barnes completely. Approximately one to two minutes
3 after Sergeant Persiani made it to Summit Road at Pole Line Road I
4 met with him. I told Sergeant Persiani I did not see S01 Barnes,
5 truck on Hecker Pass Hwy to Pole Line Road.

6
7 I assisted in searching for S01 Barnes and holding a perimeter but I
8 did not find S01 Barnes or his vehicle. Please see original report
9 and other associated supplemental reports for further details.

10

11 J. Elder #1977- Supplement Report

OFFICER'S NAME Elder, Jennifer	ID NUMBER 1977	DATE 09/04/09 633	SHIFT/DAYS OFF I SSM	SUPERVISORS REVIEW Benner, David	ID NUMBER 1861	DATE 09/04/09 2312	PAGE 4	OF 4
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 INVESTIGATION:

2

3 On Wednesday, 09/02/09, at approximately 0010 hours, Sgt. Lera #1641
 4 and I were on-call as Robbery/Homicide Investigators for the Santa
 5 Clara County Sheriff's Office. At that time, Sgt. Leon #1685 called
 6 me and informed me that an Officer Involved shooting had just
 7 occurred in South County. He further advised that the event was
 8 still unfolding, as the suspect was being pursued.

9

10 I called County Communication and learned that the initial shooting
 11 occurred near the area of _____ in San Martin
 12 California, on 09/01/09 at approximately 2358 hours.

13

14 As I drove to the scene, I monitored radio traffic. I heard that the
 15 suspect vehicle was a green pickup truck with a possible license
 16 plate number of _____
 17
 18 0135 hours.

19

20 I arrived on scene and met with Sgt. Lera, Captain Pugh, and Lt. Wise.
 21 I was informed of the details known at the time. I met with Sgt.
 22 Rowberry and he informed me that the suspect, (S-01) Joel Barnes, has
 23 been sending text messages to _____. Through the text
 24 messages, (S-01) Barnes claimed he had been shot, and that he was
 25 going to die. Additionally, (S-01) Barnes claimed via text that his
 26 body would be found on _____. The telephone number the
 27 texts were coming from was _____.

28

29 0200 hours.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Sgt. Lera and I drove to the Sheriff's South County Sub-Station, where
 2 (V-01) Plett was waiting.
 3
 4 We met with Commander Zink, and IA Lt. Peterson.
 5
 6 0210 hours.
 7
 8 Press Information Officer (PIO) Sgt. Sung arrived at the Sheriff's
 9 Sub-Station.
 10
 11 0215 hours.
 12
 13 Detective Vandegraaf #1787 arrived at the Sheriff's Sub-Station. I
 14 gave Detective Vandegraaf the suspect's telephone number, so that he
 15 could complete the emergency information request to monitor (S-01)
 16 Barnes's cell phone usage.
 17
 18 0240 hours.
 19
 20 Internal Affairs Investigator, Sgt. Dave Rodriguez arrived at the
 21 Sheriff's Sub-Station.
 22
 23 0243 hours.
 24
 25 District Attorney's Office Investigator Randy Brown #50 arrived at the
 26 Sheriff's Sub-Station.
 27
 28 0355 hours.
 29
 30 Deputy Plett's attorney, _____ arrived at the Sheriff's

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 Sub-Station.

2

3 INVESTIGATION CONTINUED:

4

5 Since Deputy Doty #1353 witnessed the shooting, Sgt. Lera and I
 6 interviewed him in an interview room. Present in the interview room
 7 was DA investigator Randy Brown, and (IA) Sgt. Rodriguez.

8

9 STATEMENT OF DEPUTY DOTY: (Summary)

10

11 At the time of the incident, Deputy Doty was assigned to the Sheriff's
 12 Office Park's Unit, and his call sign was 81P4. Deputy Doty began
 13 his shift on 9/1/09 at 1500 hours. Deputy Doty advised that at
 14 approximately 0000 hours, he was at the Sheriff's Office fuel pumps,
 15 when County Communications broadcasted over Park's Frequency 12,
 16 asking any parks units near the South County Sub-Station to respond
 17 there Code-2.

18

19 Deputy Doty said 81P3 answered up, advising he was two minutes out.
 20 Deputy Doty did not respond to radio, instead, he just drove to the
 21 sub-station, and arrived approximately three minutes later. As
 22 Deputy Doty was driving to the sub-station, he used his cellular
 23 telephone to call County Communications, inquiring about details of
 24 the assignment. Deputy Doty said County Communications informed him
 25 that they had information on (S-01) Joel Barnes. Deputy Doty said
 26 once he heard the detail involved (S-01) Barnes, he knew they would
 27 in fact need more units, so he continued to respond to the
 28 sub-station.

29

30 Deputy Doty said he was well aware of (S-01) Barnes, adding that

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 (S-01) Barnes has been a topic of discussion amongst South County
 2 Deputies for the last three weeks. Deputy Doty said two weeks ago,
 3 (S-01) Barnes was spotted pushing a dirt bike on Hecker Pass. Deputy
 4 Doty located (S-01) Barnes and at gun point, ordered (S-01) Barnes to
 5 get down on the ground. Deputy Doty said (S-01) Barnes turned his
 6 back to him, jumped a fence, and ran away through a field. Deputy
 7 Doty added, that (S-01) Barnes apparently knew, ¿I wasn't going to
 8 shoot him.¿ Deputy Doty said (S-01) Barnes has a warrant for his
 9 arrest for 236 PC (False Imprisonment) and 245 PC (Assault with a
 10 deadly weapon.)

11
 12 When Deputy Doty arrived at the sub-station, patrol units were
 13 assembling in the sub-station parking lot. Sergeant Persiani advised
 14 he received a tip that (S-01) Barnes was going to be meeting his
 15 girlfriend at a nursery on Harding Avenue. Sergeant Persiani
 16 assigned some units to position as perimeter units, while Deputy Doty
 17 was assigned to follow Deputy Plett to the location to set up.
 18 Deputy Doty was told the suspect vehicle would be a dark colored
 19 vehicle, with no further description provided.

20
 21 Deputy Doty followed Deputy Plett to W/B Highland and onto N/B
 22 Harding. Deputy Doty said that while they were traveling N/B
 23 Harding, he noticed a set of headlights coming toward their location,
 24 on S/B Harding. Deputy Doty said at that point, he did not see
 25 anything to make him believe the vehicle headed toward them was being
 26 driven by the suspect. Deputy Doty said that he was planning on
 27 slowing down to get a good look at the vehicle as it drove passed
 28 him, but it did not get to that.

29
 30 Deputy Doty said that all of a sudden, the vehicle started

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 accelerating and driving crazy and coming head on with them. Deputy
 2 Doty said with that reaction, he figured with (S-01) Barnes, prior
 3 performance, two prior pursuits with him, Deputy Doty figured the
 4 vehicle coming toward them must have been driven by (S-01) Barnes.
 5 Deputy Doty thought (S-01) Barnes must have seen it was the Sheriff's
 6 Office coming toward him.

8 Deputy Doty said (S-01) Barnes headed straight toward Deputy Plett's
 9 vehicle. He said he was going head-on with him, and was playing
 10 Chicken with them. Deputy Doty said the suspect swerved to his
 11 right, and Deputy Plett's vehicle ended up facing west, perpendicular
 12 to the roadway. Deputy Doty did not know if (S-01) Barnes's vehicle
 13 hit Deputy Plett's vehicle or not.

15 Deputy Doty said (S-01) Barnes's vehicle next came head-on with him.
 16 Deputy Doty said the suspect vehicle came within 10-12 feet of his
 17 vehicle, and he (Deputy Doty) chickened out first. Deputy Doty said
 18 he turned to his left, and (S-01) Barnes turned hard left, swerving
 19 around Deputy Doty's vehicle. Deputy Doty said (S-01) Barnes's
 20 vehicle broke traction as it swerved around him, and clipped the
 21 passenger side rear of Deputy Doty's vehicle. Deputy Doty felt the
 22 pull and tug. Deputy Doty said that as (S-01) Barnes passed by
 23 Deputy Doty, (S-01) Barnes left the roadway on the west side of the
 24 roadway, making a U-Turn. (S-01) Barnes was now headed N/B along the
 25 dirt. When (S-01) Barnes came out of the dirt, and back onto Harding
 26 Avenue, Deputy Plett was out of his car, and on foot. Deputy Doty
 27 said (S-01) Barnes was headed right at Deputy Plett. Deputy Plett
 28 drew his weapon and was moving to his left, trying to get out of the
 29 way. When (S-01) Barnes vehicle was 15-20 feet away, it swerved to
 30 its left. At this point, Deputy Plett fired 3 shots. (S-01)

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Continued his left turn, and continued N/B on Harding. Deputy Doty
 2 saw the suspect vehicle's lights turn off as it passed Deputy
 3 Plett.
 4
 5 Once (S-01) Barnes was N/B Harding, Deputy Doty continued his pursuit
 6 of the suspect, following him onto N/B Santa Teresa. Deputy Doty
 7 lost sight of (S-01) Barnes, when (S-01) Barnes went west from Santa
 8 Teresa.
 9
 10 Deputy Doty stated that when the suspect vehicle came back onto
 11 Harding, and was headed directly at Deputy Plett, he did not know
 12 what (S-01) Barnes's intent was. Deputy Doty did say that he would
 13 have been in fear for his life because (S-01) Barnes was headed right
 14 at Deputy Plett. Deputy Doty said he knows (S-01) Barnes does not
 15 care, because in a previous pursuit, (S-01) Barnes was on a
 16 motorcycle, and during the pursuit, he blew through a red light at
 17 the intersection of Santa Teresa and Bailey going approximately 120
 18 miles per hour.
 19
 20 Deputy Doty drew a sketch of the area, showing us how the situation
 21 developed. The sketch was later booked into evidence at Sheriff's
 22 Headquarters.
 23
 24 Deputy Doty was asked how many years he has in Law-Enforcement.
 25 Deputy Doty has 30 years of Law-Enforcement experience, and considers
 26 that to be a lot of experience. Deputy Doty was asked if he with all
 27 of his experience, and based on what he witnessed, if he believes
 28 Deputy Plett fired his duty pistol in self defense.
 29
 30 Deputy Doty answered by saying, "I believe so, I believe so." Deputy

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE NO. **09-244-0567G**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 Doty said if he had been in Deputy Pletts; shoes, ;I would have
2 certainly been in fear for my life.; Deputy Doty said (S-01) Barnes
3 was headed right at Deputy Plett. Deputy Doty further said, ;I don;t
4 know what Deputy Plett knows about that guy, but I know he does not
5 care.; ;He does not care about his own life, and that would lead me
6 to believe he does not care about mine.;

7
8 Deputy Doty was asked if the headlights of Deputy Pletts; vehicle were
9 turned on when (S-01) Barnes; vehicle came back onto Harding and
10 toward Deputy Plett. Deputy Doty said that they were turned on.

11

12 INVESTIGATION CONTINUED:

13

14 0450 hours.

15

16 I met with Detective Vandegraaf to see if he had any updates on the
17 Verizon wireless cell phone records request. He informed me that at
18 0137 hours. The suspect;s phone records indicated it was used within
19 an area that was 3.7 miles from the cell tower located at 370 Airport
20 Blvd. Watsonville California. This information was relayed to the
21 Sheriff;s Office SERT team.

22

23 Lab Tech arrived on scene to complete a blood-draw from
24 (V-01) Deputy Plett. The blood-draw was completed at 0454 hours,
25 under case number CML090209.

26

27 0545 hours.

28

29 Sgt. Lera and I interviewed (V-01) Deputy Plett. Also present in the
30 interview room was (IA) Lt. Peterson, DA Investigator Randy Brown,

OFFICER'S NAME Alanis, Alfredo	ID NUMBER 1678	DATE 09/06/09 1716	SHIFT/DAYS OFF	SUPERVISORS REVIEW Wise, Edward W.	ID NUMBER 1639	DATE 09/08/09 1418	PAGE 7	OF 17
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 and Deputy Plett's Attorney, .

2

3 **STATEMENT OF (V-01) DEPUTY PLETT: (Summary)**

4

5 Deputy Plett began his shift on 9/1/09 at 2200 hours, as 61G1. Deputy
 6 Plett advised he was not under the influence of any medications
 7 during the incident, had no lack of sleep issues, and had not
 8 consumed any alcoholic beverages eight hours prior to the beginning
 9 of his shift.

10

11 Prior to the shooting, Deputy Plett had only one call for service.
 12 The call for service involved a landlord-tenant issue. Sgt. Persiani
 13 attached himself to the detail. While handling the call for service,
 14 Sgt. Persiani was asked to call County Communications. Deputy Plett
 15 said he was familiar with (S-01) Barnes, and was well aware that any
 16 information concerning (S-01) Barnes was not going to be broadcast
 17 over the radio, instead, the information would be delivered via cell
 18 phone, and since (S-01) Barnes was believed to have access to a
 19 police scanner.

20

21 After the detail, Deputy Plett asked Sgt. Persiani why he was asked to
 22 call County Communications. Sgt. Persiani informed him that he
 23 received a tip that (S-01) Barnes was going to be visiting his
 24 girlfriend at the nursery on Harding Avenue in thirty minutes. Sgt.
 25 Persiani requested deputies to meet at the Sheriff's South County
 26 Sub-Station.

27

28 Deputy Plett said he and all South County Deputies are familiar with
 29 (S-01) Barnes, and consider him to be armed and dangerous. Deputy
 30 Plett advised that (S-01) Barnes murdered a prior girlfriend, and

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 served time for that crime. Deputy Plett advised that approximately
 2 two months ago, he took a domestic violence report involving (S-01)
 3 Barnes. (S-01) Barnes was reported to have burned his girlfriend's
 4 neck with a cigarette. Since that crime, (S-01) Barnes has been on
 5 the run.

6
 7 Deputy Plett advised that recently, Deputies received a tip concerning
 8 a location (S-01) Barnes was hiding out at. During a search of the
 9 residence, Deputies recovered automatic weapons, and sawed off
 10 shotguns. Additionally, Deputy Plett said (S-01) Barnes has been
 11 accused of stealing his father's revolver.

12
 13 Deputy Plett said that while the South County Deputies were at the
 14 sub-station, Sgt. Persiani formulated a plan in which certain
 15 deputies were assigned to the perimeter, while other deputies were
 16 going directly to the nursery to look for (S-01) Barnes. Deputy
 17 Plett believed Deputies, Cruz, Ramey, and a parks deputy were going
 18 with him to the nursery.

19
 20 Deputy Plett advised that the person that provided the initial tip,
 21 called back to advise a dark colored vehicle was now parked across
 22 the street.

23
 24 Deputy Plett was the lead vehicle, heading N/B on Harding Avenue from
 25 Highland Avenue. As he drove down Harding, Deputy Plett saw
 26 headlights turn on from the area of the nursery. The vehicle with
 27 the headlights on was now traveling S/B on Harding toward his
 28 location. Deputy Plett did not know if the vehicle was driven by
 29 (S-01) Barnes or it was just a random oncoming vehicle. Deputy Plett
 30 decided he was going to stop the vehicle to investigate, and

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 positioned his vehicle in the center of the roadway. Deputy Plett
 2 was preparing to activate his forward facing red light/rotating
 3 lights to affect a traffic stop, but did not have time. Deputy Plett
 4 said the oncoming vehicle accelerated toward him. Deputy Plett
 5 believed the suspect was trying to ram him. Deputy Plett said he got
 6 out of the way. As the vehicle passed by Deputy Plett, he
 7 immediately recognized the truck as belonging to (S-01) Barnes.

8
 9 Deputy Plett said (S-01) Barnes; vehicle is very distinct, as it is an
 10 older pickup with turquoise paint. Deputy Plett said when the
 11 suspect vehicle passed him; he reversed his vehicle, so that he could
 12 turn around and follow the suspect vehicle. Deputy Plett
 13 accidentally backed his vehicle into the ditch on the east shoulder
 14 of the roadway, causing his vehicle to become stuck.

15
 16 Deputy Plett watched as the suspect vehicle continued at a high rate
 17 of speed, and cut through the oncoming deputie;s patrol vehicles.
 18 Deputy Plett was unsure how many patrol vehicles were on scene. He
 19 said it all happened so quickly. Deputy Plett described the suspect
 20 vehicle as making ;Jerking movements.; Deputy Plett believed the
 21 suspect was now trying to ram the other deputies. Deputy Plett was
 22 aware that the suspect vehicle hit Deputy Doty;s vehicle, but he did
 23 not notice the impact as it was occurring.

24
 25 Deputy Plett got out of his stuck patrol car, and saw the suspect
 26 vehicle turn into a dirt driveway on the west side of the roadway.
 27 Deputy Plett said the driveway had two entrance/exit points. Deputy
 28 Plett noticed his stuck patrol car was positioned in such a way, that
 29 it was directly across from the exit point of the driveway the
 30 suspect was driving through.

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

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Harding Avenue @ Highland Avenue / San Martin / 95046

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1
2 Deputy Plett said the suspect was circling back, and coming back
3 toward his direction. Deputy Plett said the only way the suspect
4 vehicle could get out of the driveway, was to exit where he (Deputy
5 Plett) was at. Deputy Plett said he was out of his vehicle, and he
6 could hear the suspect vehicle's engine roaring. Deputy Plett
7 described the suspect vehicle as "Barreling" through the driveway,
8 and described its tires as "Letting loose."
9
10 Deputy Plett said when the suspect vehicle exited the driveway, he
11 could see its headlights, and the vehicle was headed straight at him.
12 Deputy Plett's weapon was drawn, and he said at that point, he was,
13 "Scared." At this point, the suspect vehicle was approximately 10'
14 from Deputy Plett. Deputy Plett said, "I felt like he was coming at
15 me." "He had already shown a lack of regard for our safety." Deputy
16 Plett said the suspect tried to ram them and he thought he was now
17 coming at him. Deputy Plett said when he saw the suspect vehicle
18 coming at him, he decided to fire because he felt like his life was
19 in danger. Deputy Plett said he was thinking, "Pull the trigger,
20 pull the trigger." Deputy Plett said he does not know how long it
21 took for his brain to comprehend his request to pull the trigger, but
22 it felt like a life time. Deputy Plett has no idea what part of the
23 suspect vehicle was hit by his bullets if any. Deputy Plett thinks
24 he fired four shots. He said after firing the rounds, "Things came
25 to a halt." Deputy Plett said he thought he was firing rapid fire,
26 but it felt real slow.
27
28 Deputy Plett said he stopped firing when he believed the threat
29 stopped coming toward him.
30

OFFICER'S NAME
Alanis, Alfredo

ID NUMBER
1678

DATE
09/06/09 1716

SHIFT/DAYS OFF

SUPERVISORS REVIEW
Wise, Edward W.

ID NUMBER
1639

DATE
09/08/09 1418

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1 When asked what his back drop was, Deputy Plett said there was an open
 2 field. Deputy Plett said he was aiming toward the open field.
 3
 4 Deputy Plett said four to six deputies drove by him headed N/B on
 5 Harding Avenue. Deputy Plett said the deputies slowed down as they
 6 passed him, to make sure he was okay. Deputy Plett said at least
 7 three residents came out of their houses to find out what happened.
 8 Deputy Plett believed Sgt. Persiani was the only unit pursuing the
 9 suspect, so he convinced a resident with a Ranger pickup to pull his
 10 vehicle from the ditch. Deputy Plett believed Sgt. Persiani was the
 11 only person within close proximity of the suspect vehicle, which was
 12 based on radio transmissions. Deputy Plett drove to Mt. Madonna, but
 13 realized he was not needed as there were now deputies everywhere
 14 looking for the suspect. Deputy Plett returned to the scene and met
 15 with Lt. Rodriguez who told him to return the Sheriff's South County
 16 Sub-Station.
 17
 18 Deputy Plett said that after he fired his weapon, he re-holstered it,
 19 and did an 'Admin- reload' (Deputy Plett demonstrated a tactical
 20 reload) by putting a fresh magazine into his gun, and secured the
 21 used magazine into his sap-pocket. Deputy Plett later gave his
 22 magazine to Lt. Rodriguez. Deputy Plett did not pick up any of his
 23 spent casings from the roadway.
 24
 25
 26 0630 hours.
 27
 28 Sgt. Lera and I left the Sheriff's Sub-Station and drove to the crime
 29 scene on Harding Avenue.
 30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 0640 hours.

2

3 Sgt. Lera and I enter the scene

4

5 0820 hours.

6

7 Two residents were observed leaving their property at .

8 I met with them and identified them as and

9 . They went to bed at 2200 hours and did not see or hear

10 anything.

11

12 Sgt. Lera uses cell phone to text (S-01) Barnes-¿Are

13 you okay?¿ No response from (S-01) Barnes.

14

15 0850 hours.

16

17 Sgt. Lera and I cleared the scene. CSI was still processing the

18 scene.

19

20 I drove to Sheriff¿s Headquarters, and prepared a Search Warrant to

21 search (S-01) Barnes¿ vehicle, California License Plate

22

23 1500 hours.

24

25 Sgt. Lera and I drove to Watsonville and met with Santa Cruz County

26 Sheriff¿s Office personnel. Sgt. Lera and I canvas the area looking

27 for the suspect¿s vehicle with negative results.

28

29 2300 hours.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Sgt. Lera and I left Watsonville.

2

3 9/3/09.

4

5 1200 hours.

6

7 Sgt. Lera and I return to Watsonville.

8

9 Since telephone records indicated (S-01) Barnes had been in contact

10 with a subject named _____ residence of

11 _____ in Corralitos California was placed under surveillance.

12

13 1354 hours.

14

15 _____ is seen walking out of his residence and loading his green

16 Explorer with a black plastic case. At the time it was believed the

17 case was a rifle case.

18

19 1400 hours.

20

21 _____ was followed from his residence to _____ in

22 Corralitos.

23

24 1547 hours.

25

26 A green truck was seen driving onto the property of _____ .

27

28 2030 hours.

29

30 Since we now believed (S-01) Barnes was on the property of _____

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 , I prepared a Steagald Warrant. The on-call Santa Cruz County

2 Judge, Judge Symons gave me permission to sign her name on the

3 warrant, authorizing Law-Enforcement to enter the property of

4 to arrest (S-01) Barnes.

5

6 was detained leaving the property of , and was

7 transported the Santa Cruz County Sheriff's Office South County

8 Sub-Station.

9

10 Sgt. Lera and I interviewed and he admitted that (S-01)

11 Barnes and his vehicle were on the property of .

12 also told us that (S-01) Barnes had patched certain spots on

13 the truck with blue tape. said one of the patched up holes

14 appeared to be a bullet hole.

15

16 2300 hours.

17

18 (S-01) Barnes was taken into custody by the Santa Cruz County

19 Sheriff's Office SWAT team.

20

21 Since (S-01) Barnes resisted arrest and attempted to flee, he was

22 bitten by a Police K-9, and he had to be medically cleared at the

23 Watsonville Community Hospital.

24

25 Sgt. Lera and I drove to the Watsonville Community Hospital and waited

26 for his medical clearance. While waiting for medical clearance, Sgt.

27 Lera and I met with (S-01) Barnes in an exam room. Sgt. Lera read

28 (S-01) Barnes his right per Miranda which (S-01) Barnes understood

29 and waived. The interview began at the hospital, but once (S-01)

30 Barnes was medically cleared, we completed the interview at the Santa

REPORT TYPE
 SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

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Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 **Tuesday, 09/08/09**
2
3 **Judge Teilh signed Search Warrant CSW38288 authorizing the Sheriff's**
4 **Office to conduct a forensic search of (S-01) Barnes' vehicle.**
5
6
7 **INVESTIGATION IS ON-GOING:**
8
9 **PLEOS:**
10
11 **Sgt. Alanis #1678 Supplemental Report**

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Alanis, Alfredo	1678	09/06/09 1716		Wise, Edward W.	1639	09/08/09 1418	17	17

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **SUPPLEMENTAL INVESTIGATION:**

2

3 On 09/02/2009 I was on-call as a detective for the Santa Clara County

4 Sheriff's Office. At approximately 0010 hours, Sgt. Leon #1685 called

5 me and notified me of an officer involved shooting incident that

6 occurred in South Santa Clara County. Sgt. Leon told me that patrol

7 deputies were pursuing the suspect. I called County Communications

8 and obtained the initial details about the incident. The dispatcher

9 told me the incident occurred on Harding Ave. in San Martin. I called

10 Sgt. Alanis #1678 and coordinated our response.

11

12 I responded to Harding Ave. and arrived on scene at approximately 1250

13 hours. Upon my arrival, patrol deputies had the scene secure with the

14 road blocked North and South of the incident. I met with Captain Pugh

15 and Lt. Wise, who briefed me on the details they knew so far. They

16 informed me that the Deputy involved in the incident was Deputy

17 Plett. Deputy Plett was currently at the South County Sub-Station

18 with Lt. D. Rodriguez. Capt. Pugh and Lt. Wise also informed me that

19 Deputy Doty #1353 was on-scene at the time of the incident and the

20 suspect crashed into his patrol car. Deputy Doty was currently

21 searching along with other deputies for the suspect. I requested

22 Deputy Doty be relieved of his current duties and have him respond to

23 the South County Sub-Station. I confirmed with Capt. Pugh and Lt.

24 Wise that the Sheriff's Office Crime Scene Investigators (CSI) were

25 notified to respond to the scene. They also informed me that

26 Detective Vandegraaf was in route and they were calling out

27 additional CSI deputies. I requested Detective Vandegraaf respond to

28 the South County Sub-Station to assist with evidence collection.

29

30 At approximately 0110 hours, I called County Communications and

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1 requested they notify the on-call District Attorney Investigator. I
 2 also requested they notify Sgt. Ray Davis, the Sheriff's Office
 3 Sergeant assigned to the Santa Clara County Office of the County
 4 Counsel.

5

6 At approximately 0135 hours, Sgt. Alanis arrived on scene. We met with
 7 Sgt. Rowberry. Sgt. Rowberry informed us that Suspect Barnes had been
 8 sending text messages to _____ from cell phone number
 9 _____ after he got away from deputies. _____ identified
 10 this number as being Suspect Barnes's phone number. In the messages
 11 Barnes claimed to have been shot, and wrote that he was dying as a
 12 result of the injuries. He also indicated that his body would be on
 13 _____ property.

14

15 At approximately 0145 hours, Santa Clara County District Attorney
 16 Investigator Randy Brown called me and notified me that he would be
 17 responding.

18

19 At approximately 0200 hours, Sgt. Alanis and I responded to the South
 20 County Sub-Station. Upon our arrival, Lt. D. Rodriguez was waiting
 21 with Deputy Plett in an interview room. Lt. Rodriguez told me that
 22 she collected Deputy Plett's duty firearm and leather gear, and
 23 secured the items in her office pending collection by the CSI deputy.
 24 Deputy Plett had removed his uniform shirt and ballistic vest, but
 25 was currently still in his uniform pants and boots. Lt. Rodriguez
 26 also told us that Deputy Plett requested Deputy Sheriff's Association
 27 Union Representative Sgt. D. Moser respond to the sub-station and
 28 Attorney _____ was on his way to represent Deputy Plett.

29

30 Also present at the sub-station were Sheriff's Office Commander L.

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 09-244-0567G
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1 Zink and Internal Affairs Lt. Garry Peterson. Internal Affairs Sgt.
2 D. Rodriguez arrived a short time later.
3
4 At approximately 0215 hours, CSI Detective Vandegraaf arrived on
5 scene. Based on the emergency circumstances, I instructed Detective
6 Vandegraaf to contact Verizon Wireless (Barnes cell service provider)
7 and send them an Emergency Information Request to monitor Barnes cell
8 phone activity. Sgt, Alanis provided Vandegraaf the phone number and
9 Vandegraaf sent the request.

10
11 At approximately 0243 hours, DA Investigator Randy Brown #50 arrived
12 at the Sub-Station. Investigator Brown told me that he had just come
13 from the crime scene on Harding Ave.

14
15 At approximately 0355 Hours, Attorney _____ arrived at the
16 Sub-Station and met with Deputy Plett.

17
18 STATEMENT OF DEPUTY AL DOTY #1353:
19
20 For Deputy Doty's statement, see Sgt. Alanis's supplemental report.

21
22 INVESTIGATION CONTINUED:
23
24 At approximately 0450 hours, Lab Technician _____ arrived on scene
25 and obtained a blood specimen from Deputy Plett at the direction of
26 IA Lt. Peterson and Sgt. Rodriguez.

27
28 STATEMENT OF DEPUTY PLETT #2011:
29
30 For Deputy Plett's statement, see Sgt. Alanis's supplemental report.

OFFICER'S NAME Lera, David G.	ID NUMBER 1641	DATE 09/08/09 1120	SHIFT/DAYS OFF SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/08/09 1417	PAGE 4	OF 17
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1

2 **INVESTIGATION CONTINUED:**

3

4 I instructed Detective Vandegraaf to photograph all angles of Deputy

5 Plett's and Deputy Doty's patrol cars. I also instructed Detective

6 Vandegraaf to coordinate with and escort San Jose Tow Company to take

7 Deputy Doty's patrol car to the Sheriff's Office Evidence Garage.

8

9 At approximately 0630 hours, Sgt. Alanis and I responded back to the

10 crime scene to check on the status of the CSI Detectives processing

11 of the crime scene.

12

13 I called CSI Detective R. Breuss #1404 and instructed he respond to

14 Harding Rd. as well. I informed Detective Breuss that I needed him to

15 respond up in a helicopter to take aerial photographs of the scene as

16 well (see Detective Breuss's supplemental report).

17

18 Detective Zazaboi showed me Cellular phone. The phone

19 had four recent text messages from Suspect Barnes's cell phone. The

20 messages read the following:

21

22 #1 : They shot me

23

24 #2 : I gut away but I'm dying. I told u I'd die alone. Im goin thinin

25 U set me up.

26

27 #3 : It bad coughing up blood Its all over me. a rat punk. U

28 2 killed me Ur love was my end goodbye. They can find my body on

29 property.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 At approximately 1200 hours, Sgt. Alanis and I returned to the Santa
 2 Cruz County Sheriff Watsonville Sub-Station and met with Santa Cruz
 3 County deputies and Watsonville Police. Barnes; cell phone data
 4 indicated that he was communicating with someone at phone number
 5 . A public information database check of that number
 6 showed it belonged to (Witness #3) who lived
 7 in Corralitos, CA. This was in the general area of the
 8 Watsonville Airport cell tower where Verizon had initially told us
 9 Barnes; transmissions were coming from, and the area we were checking
 10 the previous day.

11
 12 Sgt. N. Davis #1751 coordinated the surveillance of the Philips Rd.
 13 property. Sgt. Davis advised me that they observed an elderly female
 14 at the address. This matched previous information patrol deputies
 15 learned from RP that Barnes may be with a friend of
 16 his that lives with his elderly mother in Corralitos. At
 17 approximately 1354 hours, Sgt. Davis called me and informed me that a
 18 male subject walked out of the house carrying a long plastic case
 19 that resembled a rifle case. The subject (later identified as Witness
 20 #3) put the case and another container into his vehicle
 21 and drove away. Sgt. Davis relayed to me that law enforcement
 22 officers followed the vehicle to in Watsonville. Lucero
 23 removed the plastic cases he was seen loading into his vehicle and
 24 left them at the property. Santa Cruz County Sheriff;s Deputies and
 25 Watsonville Police set up a second surveillance at that property.

26
 27 At approximately 1547 hours, surveillance officers observed a light
 28 green older model Ford truck on the property that matched the
 29 description of Suspect Barnes; vehicle.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 At approximately 2030 hours, Witness was followed from the
 2 property. Deputies initiated a stop on away from the property.
 3 confirmed that Joel Barnes was currently at the
 4 address. Deputies from the Santa Cruz County SWAT team surrounded the
 5 property.
 6
 7 Sgt. Alanis completed a Steagald warrant pursuant to PC 1524(a)(6) to
 8 enter the property at . to arrest Barnes. At approximately
 9 2055 hours Santa Cruz County Superior Court Judge Symons authorized
 10 the warrant telephonically. I relayed to the Santa Cruz County
 11 Sheriff SWAT team that the warrant was active and they began their
 12 operation to arrest Barnes.

14 STATEMENT OF WITNESS #3, :

16 Because Witness was being detained in handcuffs and was
 17 transported back to the Sheriff's Office, I read him his Miranda
 18 Rights per my department issue card. Witness Lucero answered yes to
 19 understanding each right.

21 said that he did not know Suspect Barnes very well. He said he
 22 met him about three months ago through a guy by the name of
 23 . Barnes is a professional musician and has a
 24 recording studio at his house on Watsonville Rd. in Morgan Hill.
 25 Suspect Barnes is a guitar player and also knows . The first
 26 time he met him was for about 10-15 minutes at house. He
 27 hadn't talked to him again until about 4 days ago. needed a
 28 guitar player to play in a band he was putting together for a benefit
 29 concert he was planning. had cancer and wanted to organize a
 30 concert to raise money for cancer research. He asked

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---	---

1 about Barnes .

2

3 Then about 4 days ago another person named _____ told him that he

4 located Barnes and Barnes was willing to play for him. _____ owns

5 another recording studio called _____ located in San

6 Martin. _____ told him that Barnes was having gold lady problems; and

7 that he was looking for a place to stay over in the area he lives.

8 _____ warned him that Suspect Barnes was a box of

9 crackers.

10

11 Barnes came to _____ house on Tuesday (9/1/09) at about 11:00 am.

12 He asked _____ if he could stay there, but _____ told him that he

13 could not. Barnes was riding a 750 Kawasaki Ninja motorcycle with

14 very bad tires.

15

16 The next day (09/02) Barnes called him between 12:00 PM and 2:00 PM

17 and said that he was at his house. _____ went home and met him, and

18 this time Barnes had his truck with him. He again said he needed a

19 place to stay. When _____ told him he could not stay there, Barnes

20 asked him if he could store some personal items there. _____ agreed

21 and Barnes left a couple guitars, a computer and some clothes at his

22 house. Barnes asked him if he could help him sell his truck.

23 _____ noticed that the truck now had a spider web crack in the windshield

24 that he said wasn't there before. Barnes told him that it was from a

25 rock.

26

27 _____ agreed to help Barnes sell his truck and posted the truck for

28 sale on Craigslist for \$750 or to trade it for another smaller

29 vehicle. _____ said that Barnes was using a bungee cord to hold down

30 the hood of the vehicle because the hood hinges were bent.

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

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1 bent them back with a hammer. Barnes; truck was running badly and he
2 needed a place to work on it. Since and his mom didn't want
3 him there, called a couple friends, and ,
4 that lived on Webb Rd. They allowed Barnes to use their property to
5 work on his truck, so they went there. left Barnes there, but
6 he did not know Barnes was going to stay the night at the property.
7 The next morning (Thursday) couldn't reach Barnes or the girls
8 on the phone, so he drove back to Webb Rd. Barnes was sleeping in the
9 back of his truck. was a little bothered by the fact that he
10 spent the night there because he didn't tell him that was what he
11 planned to do.

12
13 Barnes was hungry and he didn't have any money, so took him out
14 to breakfast. He told Barnes that he had about six calls of interest
15 to buy his truck. took Barnes back to the property
16 and then returned home. At about 12:00 noon, packed up some of
17 Barnes; belongings like his guitar and some clothing, and then drove
18 them over to him on Webb Rd.

19
20 said that over the few days he interacted with Barnes, Barnes
21 looked terrible. His hair was cut really short and it appeared as if
22 he had cut it himself with a pair of scissors. Barnes told him that
23 he had to get out of the area because he had a girlfriend that got
24 him into a lot of trouble. Barnes never told him the details, but
25 suspected that either another boyfriend of the woman or the
26 police were after Barnes.

27
28 When we concluded the interview and walked out of the room,
29 added that Barnes had him cover a hole in the body of the truck.
30 said it very well may have been a bullet hole in the passenger

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Lera, David G.	1641	09/08/09 1120	SSM	Pugh, Jr., Luther C.	1343	09/08/09 1417	10	17

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---	---

1 side of the truck. said he covered it with a piece of tape.

2

3 INVESTIGATION CONTINUED:

4

5 I checked Craigslist for Barnes; truck. I located a 1973 Ford truck
 6 listed for sale on Craigslist for \$750. The add had been placed the
 7 morning after the incident. The contact number on the add was
 8 Witness phone number. I printed a copy of the add and placed
 9 it into the case file.

10

11 At approximately 2300 hours, the Santa Cruz County Sheriff SWAT team
 12 took Barnes into custody. According to SWAT team members, Barnes
 13 attempted to flee when they announced their presence. Barnes tried to
 14 hide in some bushes, but was located with the assistance of a Police
 15 Canine. Barnes resisted and fought with the deputies and the dog.
 16 Barnes was able to grab one of the deputy;s firearm and was telling
 17 the deputies to kill him. For further information about the arrest,
 18 see the Santa Cruz County Sheriff;s Office crime report. The deputies
 19 relayed to me that Barnes; green Ford truck was also on the
 20 property.

21

22 At approximately 2305 hours, I called Detective Vandegraaf and advised
 23 him to respond to Watsonville to take custody of the vehicle. Due to
 24 the nature of the scene at the time of arrest, SWAT officers
 25 requested I allow them to tow the vehicle from the property to a safe
 26 location up the street at a Sheriff;s facility. I informed Vandegraaf
 27 to coordinate with San Jose Tow Company to pick the vehicle up from
 28 that facility and tow it back to the Sheriff;s evidence garage in San
 29 Jose.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Fire and Ambulance checked Barnes at the scene and then Sheriff's
 2 deputies transported him to Watsonville Community Hospital for
 3 treatment. Sgt. Alanis and I followed the deputy to the hospital.
 4 After he received treatment for his injuries, Sgt. Alanis and I spoke
 5 with Barnes inside a treatment room.

7 STATEMENT OF SUSPECT #01, JOEL BARNES:

9 The interview with suspect Barnes at Watsonville Community Hospital
 10 was recorded using a digital recorder. The following is a synopsis of
 11 his statement. For the complete interview, see the recording.

13 I read Barnes his Miranda Rights per my department issued card. Barnes
 14 answered that he understood each right read to him and then stated,
 15 "I don't want to invoke."

17 Barnes said he got in all this trouble because he was being set up by
 18 . He said he is in love with , but he doesn't
 19 understand why she lies to get him in trouble. I told him that I was
 20 aware of some of the text messages she has sent him, including an "I
 21 love you" text. Barnes said he was relieved I knew about it and said
 22 it made him hopeful. He said she made up false allegation that he
 23 hurt her physically. She tells him she loves him and wants to be with
 24 him, then makes stuff up to get him in trouble. has a pattern
 25 of doing this and has done this to other guys in the past. The
 26 allegations she made about him assaulting her was done after he
 27 accused her of infidelity. She started saying, "Let go of me" when he
 28 wasn't touching her. He told her she was "Fucked up" and then the
 29 cops showed up because she apparently called them. They showed up
 30 with guns drawn and wouldn't believe his side of the story. She has a

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1 history of doing that. She's taken him places before where she says
 2 the cops would never find him at. Then, after they slept together,
 3 the cops show up at 7:00 AM. He gets frustrated because he can't
 4 figure out why she does it.

5
 6 Barnes said he doesn't trust the police because of his history with
 7 them. He admitted that he has resisted arrest when dealing with
 8 police, but said that was because he doesn't trust them. His words
 9 have been twisted by cops before in the past.

10
 11 Barnes constantly wanted to talk about being set up by .
 12 He again said that her text messages to him contradicted the
 13 allegations she has made against him and the things she has said
 14 about him. Barnes also said that one of the person's she lives with,
 15 , sells prescription drugs on Craigslist. When I asked
 16 Barnes about the incident that involved the Deputy shooting, Barnes
 17 changed the subject and wanted to talk more about being set up by
 18 .

19
 20 Barnes asked if I could have someone get his cell phone out of his
 21 truck to review some of the text messages on it.

22
 23 **INVESTIGATION CONTINUED:**

24
 25 A medical staff member came into the room and informed us that Barnes
 26 was cleared medically. I advised Barnes that I wanted to continue
 27 talking to him at the Santa Cruz County Sheriff's Office and he
 28 agreed. Santa Cruz County Sheriff's Deputy Adney #80 transported
 29 Suspect Barnes to the Santa Cruz County Sheriff's Office Headquarters
 30 building where we escorted him to an interview room.

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1

2 At Suspect Barnes's request, I advised Detective Vandegraaf to remove

3 Suspect Barnes's cell phone from the truck so we could review the

4 messages.

5

6 STATEMENT OF SUSPECT #01, JOEL BARNES CONTINUED:

7

8 The second part of the interview with Barnes was recorded using a

9 digital recorder and by the audio/video recording system in the

10 interview room. The following is a synopsis of his statement. For his

11 complete statement, see the digital recording.

12

13 At approximately 0122 hours, we continued the interview. Barnes

14 repeatedly asked me to review the messages on his cell phone. He said

15 there were messages from _____ that prove she sent conflicting

16 messages and sets him up. Barnes explained that _____ lives

17 at the Harding Property where Hastie lives and is _____

18 ex-boyfriend. _____ also lives there and likes _____. Barnes

19 said he still loves her despite the fact she is systematically

20 ruining his life.

21

22 I told Suspect Barnes that I needed to talk to him about the shooting

23 incident to get his side of the story. Barnes at first denied being

24 there. He then started talking in third person tense saying things

25 like, "maybe if someone was there moving toward a vehicle, maybe drum

26 brakes don't stop quick."

27

28 Once I explained to Barnes that I knew he was there and suggested he

29 not lie to me about it, he advised me that he was there. He said the

30 brakes on his 1973 truck were drum brakes that were worn down and

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1 don't work very well. He said that he tried to stop but couldn't. He
 2 has had a lot of problems with the truck.
 3
 4 The incident that night started when he got several text messages from
 5 asking him to come over because she wanted to see him.
 6 They planned to meet away from the residence by the nursery. When he
 7 got there, he received a text message from her telling him to leave
 8 because the cops were coming. He saw there walking
 9 into the trailer with .
 10
 11 He got back into his truck and started pulling his truck onto Harding
 12 Ave. when he saw (2) marked patrol cars driving really slow
 13 Northbound on Harding Ave. The cops tried to block his path so he
 14 tried to drive around them like an obstacle course. He got past the
 15 first one, and the second car must have backed into him. Barnes
 16 estimated his speed to be about 25-30 MPH. When he collided with the
 17 2nd patrol car, he spun out and lost control of his vehicle. The
 18 collision spun his vehicle to where he was facing a driveway so he
 19 tried to get away by going through the driveway and headed
 20 North-bound back the opposite direction. Barnes said he just wanted
 21 to get out of there.
 22
 23 Barnes said that when he headed back toward the street, he was sliding
 24 in the dirt. He saw the patrol car there and the deputy outside of
 25 his car. He was unable to stop because of his brakes and he was
 26 trying to maneuver his truck North-bound onto Harding. Barnes said
 27 that he just panicked and wanted to get out of there. He wanted to
 28 get away so that he could get the text messages and voice mails he
 29 saved from to a lawyer to vindicate himself. Barnes said he
 30 was told that people wanted to kill him. He said that he has gotten

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1 into a lot of trouble because there is a restraining order preventing
 2 him from going to the Harding Ave. property and every time he goes
 3 over there to ¿make peaceful contact¿ he gets in trouble. Barnes
 4 didn¿t think he had any hope. He said that because of being arrested,
 5 he had lost everything. He lost all his music equipment to make bail
 6 and didn¿t have any money. He said a lot of it was because the cops
 7 were incompetent and wouldn¿t listen to him in the past. He asked,
 8 ¿Why couldn¿t they be competent officers?¿

9
 10 Barnes said he didn¿t see the deputy outside his vehicle until he hit
 11 the street and then tried to steer away from him. At that point
 12 someone started shooting and it all happened fast. He knew he was
 13 being shot at because his window shattered from a bullet he said came
 14 in through the back of the cab. He then fled the Northbound and ended
 15 up getting away from the deputies.

16
 17 I asked Barnes if it was possible the deputy may have thought he was
 18 trying to run him over when he fired his gun. Barnes said that he
 19 could see why the deputy may have thought that, but he intended to
 20 just try to get away and thought the deputy may have just taken an
 21 opportunity to shoot him.

22
 23 Barnes said that he was sorry and that he wished the incident never
 24 happened. Once he got away from the deputies, Barnes sent several
 25 text messages to _____ telling her he was hit and dying from
 26 the injuries. He said he made up the lies because she deserved to
 27 worry. Barnes told me that he was scared and again told me that he
 28 was sorry.

29
 30 Barnes again asked me to listen to his voice mails from _____. I

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1 listened to several of them during the interview. There were several
 2 messages from that indicated she wanted to see him and that
 3 she wished they were together.

4

5 INVESTIGATION CONTINUED:

6

7 I asked Barnes if he wanted to be booked into the Santa Cruz County
 8 Jail or Santa Clara County Jail. Barnes asked to be transported back
 9 to Santa Clara County. Santa Cruz Deputy Adney told me that he was
 10 completing the Santa Cruz County Incident report for Barnes
 11 resisting, fighting with SWAT officers and attempting to take the
 12 deputy's firearm.

13

14 At my request, Deputy Kevin Bell #1785 responded from Santa Clara
 15 County and transported Barnes to Santa Clara County Main Jail. Sgt.
 16 Alanis and I followed Deputy Bell to the jail. Barnes was booked into
 17 the jail at 0450 hours.

18

19 End of Report

20

21 P.L.E.O.S.:

22

23 Sergeant D. Lera #1641 Supplemental Report

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 09-244-0567G
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1 Supplemental Report

2 09-244-0567G

3

4 ADDITIONAL INFORMATION:

5

6 During the course of my investigation in locating Suspect-01 Joel

7 Barnes I kept in constant communication with the lead investigators

8 Sgt. Lera and Sgt. Alanis and informed them of my developments. For

9 purposes of this report I am not indicating in the report every time

10 I called Sgt. Lera to inform him of the information I discovered

11 along the way. Sgt. Lera and I worked together in locating and

12 apprehending S-01 Barnes and we were in constant communication with

13 each other.

14

15 INVESTIGATION:

16

17 On 09-02-09, at approximately 0930 hours, while working the Jail

18 Crimes unit in the Investigations Division, I was called to assist

19 with an attempted murder of two Deputies. I was advised that

20 Suspect-01 Joel Barnes had fled the scene and was possibly hiding in

21 the Watsonville area.

22

23 I was advised that Detective Vandegraaf had submitted an emergency

24 information request to Verizon Wireless when the incident occurred.

25 (Please see Detective Vandegraaf's supplemental report for additional

26 information.) I was advised that S-01 Barnes's Wireless cell phone

27 activity showed that the cell phone tower, located at 370 Airport

28 Boulevard in Watsonville, had been used for the calls. A check with

29 Verizon Wireless revealed that the calls had been made 3.7 miles NE

30 of the tower. I was also advised that S-01 Barnes's last

OFFICER'S NAME Davis, Nellie	ID NUMBER 1751	DATE 09/08/09 1347	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/08/09 1421	PAGE 1	OF 8
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 communication was at 0920 hours from the same tower.

2

3 I became the point of contact with Verizon Wireless and the lead

4 investigators Sgt. Lera and Sgt. Alanis.

5

6 I faxed Verizon Wireless the updated emergency information request

7 form and requested the most up to date transmissions from S-01

8 Barnes; cell phone. (As I received the updated transmissions via fax

9 or email I forwarded the call log information to Sgt. Lera for the

10 case file.)

11

12 Based on the current cell phone tower usage I was authorized to go

13 into the Watsonville area and conduct my investigation from there.

14 In un-incorporated Watsonville, I met with Sgt. Roy Morales of the

15 Santa Cruz County Sheriff;s Office, and advised him of the

16 investigation. Sgt. Roy Morales informed me that he had been working

17 the detail the night before when S-01 Barnes had fled the scene of

18 the incident and was last scene heading West at Pole Line Road near

19 Redwood Retreat Road and Summit Road. His agency had been called to

20 assist with the search.

21

22 I advised Sgt. Morales that I would again need their assistance in

23 locating S-01 Barnes in the Watsonville area. Sgt. Morales allowed

24 me to use their Service Center on Green Valley Road as a command post

25 for our investigation. In addition he provided me with units to

26 circulate the target area in an attempt to locate S-01 Barnes and the

27 green Ford truck he was seen driving I

28 called Sgt. Lera and asked him to meet me at the Service Center.

29 From there we discussed the investigation and split up to circulate

30 the target area with the help of Watsonville PD, and Santa Cruz

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 County Sheriff's Office. We circulated the target area along Green
 2 Valley Road, Freedom Boulevard, and all neighboring streets looking
 3 for the green truck and S-01 Barnes. In addition I conducted a
 4 records check on S-01 Barnes and any of his known associates in an
 5 attempt to locate him.

6

7 During the course of the investigation I received S-01 Barnes's cell
 8 phone call log from Verizon Wireless. One of the numbers listed on
 9 the call log came back to the Watsonville area . A
 10 records check of that number revealed it belonged to out
 11 of Santa Cruz. We were unable to locate an exact address for
 12 in Santa Cruz. We did not locate S-01 Barnes. At 2200 hours
 13 we terminated our search for the evening and planned to resume our
 14 search the following morning.

15

16 On 09-03-09, I called Verizon Wireless and asked for all the recent
 17 cell phone activity on S-01 Barnes. I was told by Representative
 18 that there had been texts made at around 0200 hours to
 19 . The tower hit came back to the cell phone tower at 370
 20 Airport Boulevard in Watsonville. This led me to believe that S-01
 21 Barnes was still hiding in the Watsonville area. A records check of
 22 number revealed that it came back to an on
 23 Harding Avenue in San Martin. I advised Sgt. Lera of this new
 24 information and requested surveillance units watch the residence in
 25 the event S-01 Barnes returned to the address or someone from that
 26 address drove to meet up with S-01 Barnes.

27

28 Further record checks were conducted on in an attempt to
 29 locate an address associated with him. A record was located for
 30 with an address in an un-incorporated area in Watsonville

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 known as Corralitos. The address that was located was

2 in un-incorporated Watsonville. I requested Santa Cruz

3 County Sheriff's Office conduct surveillance on the residence until I

4 arrived there. I updated Sgt. Lera of the new information and

5 advised him we would be working the new lead at the Service Center.

6

7 Santa Cruz County Sheriff's Office had multiple units watching the

8 residence. At approximately 1400 hours a unit reported that a ninety

9 plus year old woman was seen exiting the front door and walk to the

10 mailbox on the street. The ninety year old woman used a walker and

11 appeared to have difficulty walking. Sgt. Frank Gumble of the Santa

12 Cruz County Sheriff's Office notified me of what they had just

13 observed.

14

15 Sgt. Gumble further told me that he had been working the night before

16 on the detail and remembered some information that may be related.

17 Sgt. Gumble told me that Santa Clara County Sheriff's Deputy Tapolski

18 had put out information that S-01 Barnes would periodically come over

19 into the Watsonville area, and stay with a male friend and his ninety

20 year old mother who had suffered from a stroke.

21

22 I called Santa Clara County Communications and requested Deputy

23 Tapolski to give me a call. Deputy Tapolski called me and I asked

24 him about the information he had related to the units searching for

25 S-01 Barnes the night before. Deputy Tapolski told me he had spoken

26 with S-01 Barnes ex-girlfriend . She told him that S-01

27 Barnes periodically goes into the Watsonville area and stays with a

28 male friend and his 96 year old mother who had suffered from a stroke

29 and used a walker. The male friend lived in the Corralitos area.

30

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1 I called Sgt. Gumble and told him that it was a strong possibility
 2 that was the friend S-01 Barnes went to see and may
 3 therefore be hiding at the Phillips address. Sgt. Gumble advised me
 4 that they would continue to watch the residence.

5
 6 At approximately 1354 hours, Sgt. Gumble, advised me that
 7 was seen exiting his home and putting what appeared to be a long
 8 black pelican case and a heavy metal suitcase into his blue truck.
 9 Sometime shortly after that got into a blue truck and
 10 drove away. Sgt. Gumble advised me that he had units following
 11 . I called Sgt. Lera and updated him on the developments from
 12 the Phillips address and told him that would be followed
 13 in the event that he was headed back into Santa Clara County or
 14 another address in Watsonville. Sgt. Lera remained at the Service
 15 Center and waited.

16
 17 Sgt. Gumble called me shortly after and told me drove to
 18 an address on Webb Road in un-incorporated Watsonville. Webb Road
 19 was located two streets away from Highway 152 which is a direct route
 20 into or away from Santa Clara County. Sgt. Gumble further told me
 21 that he had placed surveillance units at the Webb address. (
 22 drove up into a driveway on Webb Road that had two mailboxes
 23 with digits of 37 and 40. A check with the land plots later revealed
 24 it was . Please see Sgt. Lera's supplemental report for
 25 additional information). A surveillance unit watching the residence
 26 later reported that they had spotted a green truck that matched the
 27 description of S-01 Barnes truck parked on the property.

28
 29 I drove to Webb Road and I positioned myself at Corralitos View Road,
 30 which looked directly onto Webb Road. At around 1800 hours a green

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

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Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 Ford Explorer driven by _____ was seen driving away from the
2 Webb residence. We followed _____ and Santa Cruz County
3 Sheriff's Deputies conducted a vehicle stop on the Ford Explorer on
4 Green Valley Road. (Information had been revealed that
5 was unlicensed.)
6
7 A quick search of the vehicle revealed that S-01 Barnes was not hiding
8 within the vehicle. I made contact with _____ and asked him
9 where he'd come from. _____ stated he had been at the Webb
10 residence visiting with some friends. I asked him who was present at
11 the time of his visit. _____ told me that his friend _____, other
12 women, and two green trucks. I asked him who the green trucks
13 belonged to. _____ told me that he could not remember the name of the
14 guy who drove the green truck, but he had helped him with some auto
15 repairs on the truck. I showed _____ a photo of S-01 Barnes
16 and asked him if that was the man he helped fix the green truck.
17 _____ said, "Yes, that's him except he has shorter hair." I
18 again asked _____ for the name of the man in the picture.
19 _____ told me he could not remember the man's name.
20
21 I called Sgt. Lera and advised him that _____ had positively
22 identified S-01 Barnes being at the Webb Road residence. I told Sgt.
23 Lera I was detaining _____ and transporting him to the Service
24 Center for an interview.
25
26 A patrol unit arrived at our location and transported John Barnes to
27 the Santa Cruz County Service Center on Green Valley Road. Sgt. Lera
28 made contact with _____ and obtained a statement and detailed
29 information as to the exact address S-01 Barnes was located. (Please
30 see Sgt. Lera's supplemental report.)

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1 went off duty.

2

3 End of Report.

4

5 Sgt. N. Davis #1751 ; Supplemental

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1 **SUPPLEMENTAL INVESTIGATION:**

2

3 I am currently assigned as a detective with the Santa Clara County
 4 Investigations Bureau/South County Division. I am also assigned to
 5 the Sheriff's Office Crime Scene Investigations Unit. On 9/2/09, at
 6 approximately 0315 hours, I was contacted by Sheriff's Office
 7 Operations and activated as CSI personnel. I was advised that an
 8 officer involved shooting had occurred and to respond to the scene at
 9 in San Martin.

10

11 I drove to and arrived at the Sheriff's Office Sub-Station in San
 12 Martin approximately 0400 hours and made contact with Detective
 13 Vandegraaf who gave me instructions to take the CSI van to the crime
 14 scene on Harding Avenue. I drove to and arrived at
 15 at approximately 0425 hours. I made contact with Captain Pugh
 16 and Lieutenant Wise where we were briefed by Sergeant Rowberry of the
 17 prior shooting incident that involved a Sheriff's Office employee
 18 (Deputy Sheriff).

19

20 After obtaining the details, Sergeant Rowberry walked us through the
 21 crime scene directing us through the various areas of where the
 22 incident took place. After completing the initial walk through,
 23 Captain Pugh and Lieutenant Wise left the scene and I waited for
 24 Detective Zazaboi to arrive to my location to assist me with
 25 processing the crime scene.

26

27 At approximately 0438 hours, Deputy Paul advised that he was in
 28 possession of a cell phone that was taken as evidence prior to my
 29 arrival. I identified the cell phone (Samsung) as evidence item #1
 30 and took custody of it from Deputy Paul. I placed the cell phone into

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1 a paper bag and secured it in the CSI van.

2

3 At approximately 0445, Detective Zazaboi arrived to my location to
 4 assist me with the crime scene. I briefed Detective Zazaboi of the
 5 details and we began to outline our procedure for processing the
 6 crime scene. At approximately 0500 hours, Detective Zazaboi began to
 7 video tape the crime scene. I assisted Detective Zazaboi by providing
 8 light using my flashlight and guiding her steps as she walked through
 9 the crime scene.

10

11 CRIME SCENE DESCRIPTION:

12

13 Harding Avenue is a rural two lane roadway that runs north and south
 14 between Highland Avenue and San Martin Avenue. There is a flood drain
 15 ditch located on the east and west sides of Harding Avenue. There is
 16 agricultural land on the eastside of Harding Avenue directly in front
 17 of .

18

19 has a dirt/gravel driveway with and
 20 entrance on the north and south ends of the property. is
 21 partially enclosed by a white wooden fence that is located on the
 22 east side of the property. DSC_0001-0068 depicts the overall
 23 photographs of the crime scene.

24

25 INVESTIGATION CONTINUED:

26

27 At approximately 0643 hours, Sergeant Lera arrived at my location and
 28 instructed us to widen the crime scene approximately 75 yards south
 29 of our original location. It was at this time that we identified some
 30 potential tire tracks on the dirt, west of Harding Avenue and just

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1 south of the south driveway entrance to DSC_0105-0124 depicts
 2 the extended crime scene (south) and the possible tire tracks south
 3 of on the west side of the road.

4
 5 While taking my initial overall photographs of the crime scene, I
 6 located three spent shell casings on the east side of Harding Avenue,
 7 east of the drain ditch, on the dirt road surrounding the crop field
 8 and directly across from the north driveway entrance to

9 . The spent shell casings were identified with a white
 10 folded card placed by arriving patrol deputies. I later identified
 11 these spent shell casings as evidence items #9, 10 and 11. Also in
 12 the immediate area to the spent shell casings were foot impressions
 13 in the dirt. DSC_0069-0094 depicts this area and a north to south
 14 perspective from the west side of the roadway on the dirt roadway the
 15 surrounds the crop field.

16
 17 At approximately 0708 hours, I consulted with Sergeant Lera and I
 18 asked him if he wanted pictures of the cell phone I obtained from
 19 Deputy Paul upon my arrival on scene. It is alleged that the cell
 20 phone contained text messages from the suspect allegedly involved in
 21 the incident. DSC_0095-0104 depicts the cell phone text messages left
 22 on the cell phone from the alleged suspect.

23
 24 After photographing the text messages I photographed (DSC_0125-0130)
 25 the south driveway entrance to where it is alleged the suspect
 26 drove his vehicle into and trough the yard in a northern direction.
 27 DSC_0131-0146 depicts the north driveway entrance to where it
 28 is alleged the suspect exited the yard with his vehicle in an eastern
 29 direction and subsequently turning in a northern direction on Harding
 30 Avenue.

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1 with evidence placards in their original location.

2

3 While photographing evidence items #9-11, I observed what appeared to
 4 be tire marks on the east dirt ditch directly across from the north
 5 driveway entrance of . Photos DSC_0215-0222
 6 depicts the tire marks on the dirt and on the roadway east of Harding
 7 Avenue.

8

9 At approximately 1030 hours, I assisted Detective Breuss with the
 10 crime scene measurements in reference to the evidence items #2-11.
 11 After completing the crime scene measurements, I began to collect the
 12 evidence items at approximately 1246 hours. I secured the evidence
 13 items in Detective Zazaboi's detective vehicle. Detective Zazaboi
 14 transported and secured the evidence items in the CSI processing room
 15 at Headquarters Patrol.

16

17 At approximately 1448 hours, I completed exit photos of the crime
 18 scene (DSC_0231-0247) and exited the crime scene.

19

20 On 9/8/09 at approximately 0900 hours, I met with Detective Breuss who
 21 instructed me to assist Detective Cardoza and Jaimez with processing
 22 the suspect's vehicle at our CSI evidence yard. Refer to Detective
 23 Cardoza and Jaimez's supplemental report for full details.

24

25 END OF REPORT

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1 **SUPPLEMENTAL INVESTIGATION:**

2

3 On 9/2/09, I was on call as a Crime Scene Investigator (CSI) for the
 4 Santa Clara County Sheriff's Office. At approximately 0313 hours, I
 5 received a phone call from Sergeant Leon #1685 about an officer
 6 involved shooting that occurred in San Martin. Sergeant Leon told me
 7 CSI unit was being activated and to respond to the South County
 8 substation.

9

10 I arrived at approximately 0430 hours, and made contact with Sergeant
 11 Lera #1641. Sergeant Lera briefed me on the details and to respond
 12 to Harding Avenue north of Highland Avenue. I arrived at Harding
 13 Avenue at approximately 0445 hours. Patrol deputies had the scene
 14 secure with the road blocked North and South of the incident.

15

16 I made contact with Detective Rivera who told me that he had conducted
 17 an initial walk through of the crime scene prior to my arrival.

18

19 At approximately 0500 hours I began to video tape the crime scene.

20

21 At approximately 0640 hours, Sergeant Lera and Alanis #1678 arrived on
 22 scene. After conducting another walk through of the scene during
 23 daylight hours, we collectively identified additional tire tracks in
 24 the dirt, on the west side of Harding Avenue south of the driveway
 25 entrance to .

26

27 At approximately 0730 hours, Detective Breuss #1404 arrived on scene
 28 to take aerial photographs and assist with the sketching and
 29 photographs.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 At approximately 0820 hours, Detective Breuss and I used red spray
 2 paint to highlight the tire tread marks on Harding Avenue and on the
 3 dirt west of the street.

4
 5 At approximately 1232 hours, I video taped the crime scene a second
 6 time to capture the scene in during daylight hours.

7
 8 At approximately 1245 hours, I used a hand held metal detector to look
 9 for additional shell casings in ditch directly across from the most
 10 northern driveway of . This is near and around
 11 the same are where three shell casings were located (evidence items:
 12 9-10). I did not locate any further shell casings.

13
 14 At approximately 1300 hours, I assisted Detective Rivera in the
 15 collection of the evidence. Detective Rivera secured the evidence in
 16 my detective vehicle.

17
 18 At approximately 1432 hours, Sergeant Quionnez #1644 arrived on scene
 19 and gave me Deputy Plett's clothing. The clothing was collected
 20 earlier by Detective Vandegraaf. I secured Deputy Plett's clothing
 21 in my detective vehicle.

22
 23 At approximately 1435 hours, I broke down the crime scene.
 24 I arrived at Headquarters at approximately 1520 hours. I removed the
 25 evidence items from my vehicle and secured them in the CSI processing
 26 room. Detective Vandegraaf photographed, packaged, and submitted the
 27 evidence collected at the scene.

28
 29 PLEO'S:
 30

REPORT TYPE
 SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE NO. **09-244-0567G**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

- 1 **Detective L. Zazaboi #1767 CSI/Supplemental Report**
- 2 **Detective E. Rivera #1789 CSI/Supplemental Report**
- 3 **Detective R. Breuss #1404 CSI/Supplemental Report**

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Zazaboi, Lelica	1767	09/16/09 1912	DET SSM	Pugh, Jr., Luther C.	1343	09/18/09 829	3	3

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **SUPPLEMENTAL INVESTIGATION:**

2

3 I am currently assigned as a detective with the Santa Clara County
 4 Sheriff's Office/Headquarters Division. I am also a member of the
 5 Sheriff's Office Crime Scene Investigation Unit.

6

7 On 09-08-09 at approximately 0900 hours, I met with Detective Breuss
 8 who instructed me to assist Detective Cardoza and Rivera with
 9 processing the vehicle driven by the alleged suspect at our
 10 CSI evidence yard.

11

12 At approximately 1007 hours, I arrived at the CSI evidence yard and
 13 awaited direction by Detective Rivera. Detective Rivera informed me
 14 we would be taking overall photos of the suspect's vehicle beginning
 15 with the exterior. At approximately 1030 hours, Sgt. Leon called
 16 Detective Rivera's cell phone and informed him the search warrant for
 17 the alleged suspect's vehicle had been signed, giving us permission
 18 to enter the vehicle for processing.

19

20 At approximately 1045 hours, with Detective Rivera's assistance, I
 21 began taking overall (DSC_0011-0019) and scaled midrange photos
 22 (DSC_0020-0056) of the suspect's vehicle. From an elevated position,
 23 I took bird's eye view photos of the hood, roof and truck bed
 24 (DSC_0058-0061).

25

26 I inspected the front windshield. The windshield was broken by the
 27 driver side lower right corner. I took a photo with a scale
 28 (DSC_0062-0063).

29

30 Using a scale, I photographed the truck bed's middle section of the

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 right side, nearest to the cab. I located a hole on the right side
 2 of the truck bed's mid section near the passenger cab
 3 (DSC_0090-0094). The hole was covered with a blue circular piece of
 4 masking tape. At approximately 1300 hours, I collected the blue
 5 masking tape and packaged it in a clear envelope as evidence item
 6 #29. Detective Rivera placed a trajectory rod through the hole
 7 (DSC_0095-0096).

8

9 The right exterior passenger door contained white transfer scuff
 10 marks. Using a scale I photographed the door (DSC_0097-0104). The
 11 right side fender had similar white transfer scuff marks. I used a
 12 scale and photographed the fender as well (DSC_0105-0109).

13

14 Detective Rivera and I directed our attention to a second hole located
 15 on the passenger side exterior cab, underneath the rear windshield
 16 (DSC_0110-0118). The second hole was similar to the hole we
 17 previously located on the right side bed's mid section, near the
 18 passenger cab. The second hole had been covered with a blue circular
 19 piece of masking tape, similar to the first hole. At approximately
 20 1410 hours, I collected the blue masking tape and packaged it in a
 21 clear envelope as evidence item #30. Detective Rivera placed a
 22 trajectory rod through the second hole. DSC_0119 included a view of
 23 the position for both holes with trajectory rods.

24

25 The rear bed cargo area contained numerous items. The items included
 26 a used roll of blue masking tape (DSC_0120-121) similar to that which
 27 had been used to cover up the hole on the right side of the truck
 28 bed's mid section near the passenger cab and the second hole located
 29 on the passenger side exterior cab, underneath the rear windshield.
 30 I collected the blue roll of tape (#35) for evidence.

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 The rear exterior bed cargo area contained a black plastic garbage

3 bag. I collected cigarette butts (#31) and a Kaiser Hospital receipt

4 for Joel Barnes (#32) from the interior garbage bag (DSC_0122-0127).

5

6

7 The rear exterior bed cargo area also contained a brown paper bag with

8 miscellaneous clothing (#33) and a black guitar case with a red

9 ¿Jackson¿ guitar, serial number (#34) (DSC_0128-0129).

10

11 Once the vehicle was open, I began taking photos of the interior

12 (DSC_0131-0157). Using the trajectory rods, Detective Rivera was

13 able to determine an overall trajectory path of both holes located on

14 the right side of the bed exterior and exterior cab passenger side to

15 interior (DSC_0158-0183). The first projectile appeared to enter the

16 right side of the bed exterior, striking the truck¿s metal frame,

17 leaving a mark. We were unable to locate the projectile. The second

18 projectile appeared to enter the exterior cab passenger side, through

19 the passenger seat, into the left corner driver side dashboard,

20 striking the front windshield. It is unknown if the projectile

21 exited through the front windshield. We were unable to locate the

22 projectile that entered the interior cab.

23

24 **EVIDENCE COLLECTED:**

25

26 At approximately 1620 hours, I packaged the miscellaneous cigarette

27 butts retrieved from the black plastic garbage bag from the exterior

28 truck bed. I labeled the item as evidence item #31.

29

30 At approximately 1623 hours, I packaged the Kaiser Hospital receipt

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 for Joel Barnes (indicia) located in the black garbage bag from the
 2 exterior truck bed. I labeled the item as evidence item #32.

3
 4 At approximately 1625 hours, I packaged the miscellaneous clothing
 5 located in the exterior truck bed, inside a brown paper bag. I
 6 labeled the item as evidence item #33.

7
 8 At approximately 1628 hours, I packaged the roll of blue masking tape,
 9 which had been located in the rear exterior truck bed. I labeled the
 10 item as evidence item #35.

11
 12 At approximately 1631 hours, I packaged the black guitar case
 13 containing a red ¿Jackson¿ guitar, serial number The case
 14 had been located in the rear exterior truck bed. I labeled the item
 15 as evidence item #34.

16
 17 INVESTIGATION CONTINUED:

18
 19 Detective Rivera and I assisted Detective Cardoza in obtaining angle
 20 measurements for the projectiles trajectory. The angle measurements
 21 were for the hole located on the right side of the truck bed¿s mid
 22 section near the passenger cab and the hole on the passenger side
 23 exterior cab, underneath the rear windshield (DSC_0184-0191). See
 24 Detective Cardoza¿s supplemental report for details.

25
 26 I left the CSI evidence yard at approximately 1700 hours.

27
 28 INVESTIGATION CONTINUED:

29
 30 On 09-09-09, I was instructed by Sgt. Leon to return to the CSI

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 evidence yard and assist Detectives Rivera and Cardoza to complete
 2 the processing of the suspect's vehicle. I arrived at the CSI
 3 evidence yard at approximately 0930 hours.
 4
 5 At approximately 1120 hours, Detective Rivera and I obtained a control
 6 and paint sample (1127 hours) from the passenger door exterior, on
 7 door crease of the suspect's truck (DSC_0192). At approximately 1136
 8 hours, I obtained a control and paint sample from the passenger door
 9 (exterior) underneath the crease (DSC_0193). Both items were
 10 packaged and submitted as evidence items #36 & #37.
 11
 12 Detective Cardoza removed the dashboard from the driver side,
 13 containing a hole and windshield interior view (DSC_0194-0203). The
 14 hole on the dashboard followed the trajectory for the hole located on
 15 the passenger side exterior cab, underneath the rear windshield. See
 16 Detective Cardoza's supplemental report for details.
 17
 18 The silver briefcase located in the interior cab contained indicia for
 19 Joel Barnes (DSC_0204-0207). The indicia located inside the briefcase
 20 was later identified as evidence item #40.
 21
 22 The interior cab of vehicle still maintained a key in the ignition
 23 (DSC_0208-0210). Using two separate cotton swabs, I swabbed each
 24 side of the ignition key for DNA trace evidence. At approximately
 25 1253 hours, I packaged and collected the swabs as evidence item #41
 26 (side A & B).
 27
 28 At approximately 1304 hours, I collected three cigarette butts from
 29 the interior cab ashtray (DSC_0211-0212) and labeled it as evidence
 30 item #46.

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1

2 All evidence items were collected by Detective Cardoza. See Detective
3 Cardoza's supplemental report for details.

4

5 I left the CSI evidence yard at approximately 1445 hours.

6

7 End of supplemental report.

8

9

10 P.L.E.O's

11

12 Detective Jaimez #1890 ; CSI Photos/Supplemental Report

13 Detective Rivera #1789 ; CSI Photos/No Report

14 Detective Cardoza #1748 ; CSI Evidence Collection/Supplemental Report

OFFICER'S NAME
S. Jaimez

ID NUMBER
1890

DATE
09/17/09 755

SHIFT/DAYS OFF
II FSS

SUPERVISORS REVIEW
Pugh, Jr., Luther C.

ID NUMBER
1343

DATE
09/18/09 828

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6 6

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 ATTACHMENTS: CHP 187 form.

2

3 INVESTIGATION:

4

5 On 09/01/2009 I was working in full uniform driving a fully marked
 6 Sheriff's Office patrol vehicle. I was assigned as a supervisor to
 7 patrol deputies in the south county area.

8

9 At approximately 11:30 pm I received a radio transmission from
 10 dispatch asking me to phone them. I called dispatch. The dispatcher
 11 told me that County Communications received information on a wanted
 12 person by the name of Joel Barnes. Barnes was expected to be at a
 13 location on Harding Avenue within 30 minutes. He would reportedly be
 14 driving his motorcycle. Harding Avenue was within my assigned beat
 15 area.

16

17 All deputies assigned under my supervision that evening were familiar
 18 with Joel Barnes. Barnes was wanted for several serious penal code
 19 violations. He had eluded local law enforcement officers attempting
 20 to take him into custody on three separate incidents. These incidents
 21 had occurred within recent weeks. Barnes fled from deputies and
 22 officers twice when being pursued while he was driving a motor
 23 vehicle. The third time Barnes fled was while he was on foot.

24

25 Dispatch gave me the name and contact number of the person who had
 26 called and informed of Barnes's possible upcoming appearance. From
 27 past contact I knew that the informing party wished to remain
 28 anonymous.

29

30 I phoned the reporting party and spoke with them. They explained that

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Barnes would be arriving at a nursery on Harding Avenue within a
 2 short while to meet his girlfriend. The reporting person sounded
 3 anxious. They were speaking rapidly and said I should hurry because
 4 Barnes would be there soon.

5
 6 I relayed for dispatch to have all available south county patrol units
 7 meet at the Sheriff's South County Substation. I arrived at the
 8 substation moments later.

9
 10 While briefing deputies on the circumstances of the event I was
 11 contacted by dispatch again. They informed me that Barnes was going
 12 to be in a vehicle, not on his motorcycle. Dispatch also advised me
 13 that officers from Morgan Hill PD were responding to the area to
 14 assist.

15
 16 Shortly thereafter while I was attempting to assign deputies to
 17 different tactical positions, my duty cell phone rang again. It was
 18 the anonymous informant calling me back. They told me that Barnes was
 19 on Harding Avenue. They said deputies needed to get there immediately
 20 because Barnes would possibly leave right away.

21
 22 It was close to midnight.

23
 24 After ending the phone call I told the deputies who were present with
 25 me that Barnes was at the predetermined location on Harding Avenue. I
 26 told the deputies to respond to the location and attempt to locate
 27 Joel Barnes.

28
 29 I left the substation parking lot following several other marked
 30 patrol units westbound on Highland Avenue. The other patrol units

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 turned northbound on Harding Avenue.

2

3 I continued westbound on Highland Avenue until I reached Santa Teresa

4 Blvd. I then drove northbound on Santa Teresa in an attempt to close

5 off the area as a possible escape route.

6

7 I heard Deputy Cruz #1956 transmitting over the two way radio that he

8 had possibly located Barnes vehicle. Deputy Cruz Described the

9 vehicle as a ¿pick up¿ truck. I then heard Deputy Cruz say over the

10 radio that shots had been fired. Seconds later I listened to Deputy

11 Plett #2011 transmit that he had fired the shots and that he was

12 stuck in a ditch.

13

14 As I continued northbound on Santa Teresa I was approaching California

15 Avenue. I heard further radio traffic relaying that Barnes was on

16 California Avenue driving toward Santa Teresa. Within seconds I saw a

17 ¿pick up¿ truck drive onto Santa Teresa northbound from California

18 Avenue without stopping at the stop sign.

19

20 I activated my emergency lights to the front and rear in an attempt to

21 initiate a traffic stop on the vehicle. It did not stop and instead

22 accelerated to approximately 70mph while still on Santa Teresa

23 northbound.

24

25 The vehicle then turned left onto Sunshine Street and past an open

26 security gate.

27

28 The truck then turned right on West San Martin toward Watsonville

29 Court. There were many curves along that portion of roadway. As I

30 continued to follow the ¿pick up¿ truck with my emergency lights

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 flashing I could see the vehicle was fishtailing as a result of
 2 driving faster than was safe for conditions.
 3
 4 As I followed the vehicle toward Watsonville Court I could see another
 5 security gate ahead on the roadway. It appeared to be made of rod
 6 iron and was closed, stretching across the entire width of West San
 7 Martin Avenue. The ¿pick up¿ truck driver continued through the gate
 8 forcing it open by hitting the gate with the truck.
 9
 10 The truck then turned left on Watsonville Court from West San Martin
 11 Avenue and continued onto Watsonville Road in a southwest direction.
 12 It appeared that the truck was driving without headlights.
 13
 14 I continued following the truck without losing sight of it at speeds
 15 up to approximately 90mph. My emergency lights continued flashing to
 16 the front and rear of my patrol unit. The truck and my patrol unit
 17 drove past Day Road while still on Watsonville Road. I then saw the
 18 truck overtake another vehicle traveling in the same direction by
 19 crossing over a double yellow line. The vehicle that had been passed
 20 then slowed, pulling to the right side of the roadway as I passed it
 21 also.
 22
 23 I continued pursuing the truck onto Redwood Retreat Road. It appeared
 24 to lose and regain control several times along the route.
 25
 26 After approximately five minutes on Redwood Retreat Road the paved
 27 roadway became dirt. My visibility was reduced to about six feet.
 28 This was the first time I lost sight of the vehicle since initially
 29 attempting to pull it over approximately ten minutes prior.
 30

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 I continued on the road for several more moments. I then terminated
2 the pursuit having lost sight of the truck and its direction of
3 travel.

4

5 Over the next several hours Sheriff's Emergency Response Team members
6 staged at a nearby ranger station and attempted to locate Joel Barnes
7 or the vehicle he may have been driving.

8

9 I returned to the south county substation and was relieved of duty at
10 approximately 5:00 a.m.

11

12 End of report.

13

14 PLEO's:

15

16 Sgt. B. Persiani #`1494 Supplemental Report

OFFICER'S NAME
Persiani, Blayn G.

ID NUMBER
1494

DATE
09/18/09 1449

SHIFT/DAYS OFF

SUPERVISORS REVIEW
Cole, Thea

ID NUMBER
1708

DATE
09/25/09 854

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5 5

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

- 1
- 2 **ATTATCHMENTS**
- 3
- 4 1) Copy of faxed cell phone subscriber information to AT&T wireless
- 5 2) Copy of AT&T exigent circumstance form
- 6 3) Copy of signed court order (CSW38280) for cell phone #
- 7
- 8 4) Copy of subscriber information from AT&T wireless for cell phone #
- 9

10

11 **CSI UNIT SUPPLEMENTAL REPORT**

12

13 On 09/03/09 I assisted Sergeant Lera, Sergeant Alanis, and Sergeant

14 Francis with obtaining AT&T cell phone subscriber location

15 information for cell phone # (associated to S1 Barnes).

16 I gave Sergeant Francis updated cell phone location information for

17 the referenced number throughout the duration of my shift.

18

19 On 09/04/09 I had the Honorable Judge Teilh sign a court order for

20 electronic communication records for cell phone # . I

21 had the county clerk's office file a copy of the signed order with

22 the court.

23

24 On 09/08/09 I responded to the Santa Clara County Sheriff's Office

25 secured evidence facility in San Jose. Sergeant Lera and Sergeant

26 Alanis requested the CSI unit process (S1) Barnes's truck for

27 evidence, pursuant to a search warrant Sergeant Alanis obtained for

28 (S1) Barnes's truck (SW #CSW38288). The search warrant documented the

29 following evidence be located:

30

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE NO. **09-244-0567G**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 1. ¿Identifying documents including but not limited to cards or
2 letters for Joel Barnes¿
3
4 2. ¿Items that would tend to prove suspect Joel Barnes¿ presence in
5 the vehicle¿
6
7 3. ¿Projectile or bullets, including fragments¿
8
9 4. ¿Paint, paint transfer, scuff marks that may have transferred from
10 Deputy Doty¿s patrol vehicle to the vehicle driven by Joel Barnes¿
11
12 5. ¿Any other evidence of the commission of any other felony¿
13
14 I noted the following exterior condition of (S1) Barnes¿ truck:
15
16 EXTERIOR CONDITION OF S1¿s TRUCK
17
18 -piece of blue masking tape covering up bullet/projectile entry hole
19 (passenger side quarter panel)
20 -piece of blue masking tape covering up separate bullet/projectile
21 entry hole (underneath back glass, passenger side)
22 -pattern similar to ¿spider-web¿ crack on windshield (driver side)
23
24 -2 CA license plates attached (one on front bumper, one on rear
25 bumper)
26 -color of truck was teal primer
27 -damage on front hood (small dents)
28 -damage on front grill (small dents)
29 -damage on driver side door (small dents)
30 -blue masking tape in place of gas cap next to driver side door

OFFICER'S NAME Cardoza, Jose	ID NUMBER 1758	DATE 09/24/09 1524	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/25/09 746	PAGE 2	OF 9
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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- 1 -damage on tailgate (small dents)
- 2 -damage on passenger side quarter panel through passenger side door
- 3 -3 spare tires (located in bed of truck)
- 4 -jack stand (located in bed of truck)
- 5 -jumper cables (located in bed of truck)
- 6 -blue sleeping bag (located in bed of truck)
- 7 -pair black work boots (located in bed of truck)
- 8 -small floor jack (located in bed of truck)
- 9 -misc. tools (located in bed of truck)

10

11 SUPPLEMENTAL REPORT CONTINUED

12

13 I documented the exterior condition of (S1) Barnes; truck in a front
 14 sketch hand drawing, passenger side hand drawing, and rear of truck
 15 hand drawing. After completing the rough draft sketches, I left the
 16 evidence storage facility for the day.

17

18 On 09/09/09 I returned to the Sheriff;s Office evidence storage
 19 facility. I assisted Detectives Rivera and Jaimez with identifying
 20 and collecting the following items of evidence from (S1) Barnes;
 21 truck:

22

- 23 #29 piece of blue masking tape (exterior right side of truck)
- 24 #30 piece of blue masking tape (under exterior back glass of truck)
- 25 #31 cigarette butts (inside garbage bag in bed of truck)
- 26 #32 receipt with name ;Joel Barnes; (inside garbage bag in bed of
- 27 truck)
- 28 #33 clothing (bed of truck)
- 29 #34 guitar (bed of truck)
- 30 #35 roll of blue masking tape (bed of truck)

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 #36 paint sample (exterior passenger door)

2 #37 paint sample (exterior passenger door)

3 #39 piece of dashboard cover (driver side)

4 #40 receipt with name ¿Joel Barnes¿ (between driver and passenger

5 seat)

6 #41 DNA swab (truck ignition key)

7 #42 DNA swab (steering wheel)

8 #43 DNA swab (steering wheel)

9 #44 DNA swab (steering wheel)

10 #45 DNA swab (transmission shifter knob)

11 #46 cigarette butts (interior)

12

13 I noticed bullet/projectile damage (entry hole) on the driver side

14 dashboard cover of (S1) Barnes¿ truck. I used a steel blade to cut

15 and remove the driver side section of the dashboard cover. I examined

16 the cut piece of dashboard cover for possible bullet fragments and

17 did not locate any. I observed more bullet/projectile damage

18 underneath the cut piece of dashboard cover, on the driver side steel

19 interior dashboard. The steel portion of the driver side dashboard

20 had entry and exit bullet/projectile damage. I checked the rear

21 portion of the instrument panel and the driver side floor board area

22 for possible bullet fragments and did not locate any.

23

24 I examined the passenger side rear wheel well of (S1) Barnes¿ truck

25 (opposite side of the passenger quarter panel with bullet/projectile

26 entry damage) for possible bullet/projectile damage or fragments and

27 did not locate any.

28

29 I examined the interior rear compartment area of (S1) Barnes¿ truck

30 (opposite side of the lower back glass area with bullet/projectile

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 entry damage) for possible bullet/projectile damage or fragments and
 2 did not locate any.
 3
 4 I obtained the following angle measurements from the bullet/projectile
 5 entry damage to (S1) Barnes; truck:
 6
 7 Passenger side quarter panel:
 8 72° left of perpendicular
 9 7° vertical
 10
 11 Passenger side lower portion of back glass:
 12 47° right of perpendicular
 13 1° vertical
 14
 15 I transported evidence items #29-#46 to the Sheriff;s Office CSI
 16 evidence room. I packaged and labeled all of the evidence items and
 17 secured them in the Sheriff;s Office evidence room.
 18
 19 P.L.E.O;s
 20
 21 Det. Cardoza #1758 ; supplemental report

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
---	---	-----------------	----------	---------------------	---

SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS _____	<p style="font-size: 18pt; text-align: center;">Office of the Sheriff Santa Clara County</p> <p style="text-align: center;">55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
---	---

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
29	E		1	Masking Tape			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

right side of S1's truck bed 0 133929

DESCRIPTION 1 piece blue masking tape (collected by #1890)

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
30	E		1	Masking Tape			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

under exterior back glass of S1's truck 0 133930

DESCRIPTION 1 piece blue masking tape (collected by #1890)

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
31	E		10	Cigarette Butts			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

inside garbage bag from rear bed of S1's truck 0 133931

DESCRIPTION 10 cigarette butts (collected by #1890)

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE NAME _____ ADDRESS _____ CITY _____	<input type="checkbox"/> FOLLOWING NAMED PERSON
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME _____ ADDRESS _____ CITY _____ DATE _____
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<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)# _____	AUTHORITY FOR DESTRUCTION	WITNESSED BY _____ AND _____
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<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)# _____	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME _____ ADDRESS _____ CITY _____
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME _____ ADDRESS _____ CITY _____ DATE _____
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Cardoza, Jose	1758	09/24/09 1524	II FSS	Pugh, Jr., Luther C.	1343	09/25/09 746	6	9

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
32	E		1	Paper			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		inside garbage bag from rear bed of S1's truck			0	133932		<input type="checkbox"/>
DESCRIPTION Kaiser hospital receipt with name "Joel Barnes" (collected by #1890)								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
33	E		1	Clothing			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		rear bed of S1's truck			0	133933		<input type="checkbox"/>
DESCRIPTION misc. clothing (collected by #1890)								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
34	E		1	Electric Guitar	Jackson		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		rear bed of S1's truck			0	133934		<input type="checkbox"/>
DESCRIPTION black case containing "Jackson" electric guitar (collected by #1890)								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
35	E		1	Masking Tape	Scotch		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		rear bed of S1's truck			0	133935		<input type="checkbox"/>
DESCRIPTION 1 roll blue masking tape (collected by #1890)								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
36	E		1	Paint			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		exterior passenger door of S1's truck			0	133936		<input type="checkbox"/>
DESCRIPTION 1 paint sample 1 control sample (collected by #1890)								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
37	E		1	Paint			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		exterior passenger door of S1's truck			0	133937		<input type="checkbox"/>
DESCRIPTION 1 paint sample 1 control sample (collected by #1890)								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
38	E		1	Vehicle Part			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		right rear exterior bumper portion of Deputy Doty's vehicle			0	133938		<input type="checkbox"/>
DESCRIPTION right rear corner exterior bumper trim (collected by #1890)								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
39	E		1	Vehicle Part			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		driver side dashboard cover			0	133939		<input type="checkbox"/>
DESCRIPTION piece of driver side dashboard cover (collected by #1758)								

OFFICER'S NAME Cardoza, Jose	ID NUMBER 1758	DATE 09/24/09 1524	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/25/09 746	PAGE 7	OF 9
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
40	E		1	Paper			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		interior of S1's truck between driver and passenger seat			0	133940	<input type="checkbox"/>
DESCRIPTION receipt from County Recorder's Office with name "Joel Barnes" (collected by #1758)							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
41	E		2	DNA swab			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		from S1's truck ignition key			0	133941	<input type="checkbox"/>
DESCRIPTION 2 DNA swabs (collected by #1890)							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
42	E		2	DNA swab			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		from S1's truck (steering wheel)			0	133942	<input type="checkbox"/>
DESCRIPTION 1 sample swab 1 control swab (collected by #1758)							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
43	E		2	DNA swab			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		from S1's truck (steering wheel)			0	133943	<input type="checkbox"/>
DESCRIPTION 1 sample swab 1 control swab (collected by #1758)							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
44	E		2	DNA swab			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		from S1's truck (steering wheel)			0	133944	<input type="checkbox"/>
DESCRIPTION 1 sample swab 1 control swab							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
45	E		2	DNA swab			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		from S1's truck (transmission shifter knob)			0	133945	<input type="checkbox"/>
DESCRIPTION 1 sample swab 1 control swab (collected by #1758)							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
46	E		3	Cigarette Butts			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		from S1's truck (interior)			0	133946	<input type="checkbox"/>
DESCRIPTION 3 cigarette butts (collected by #1890)							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
47	E		1	Paper			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Deputy Plett			0	133947	<input type="checkbox"/>
DESCRIPTION 1 hand written diagram of crime scene (collected by #1678)							

OFFICER'S NAME Cardoza, Jose	ID NUMBER 1758	DATE 09/24/09 1524	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/25/09 746	PAGE 8	OF 9
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
48	E		1	Paper			LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Deputy Doty			VALUE 0	LOC CODE 133948	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION 1 hand written diagram of crime scene (collected by #1678)							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
49	E		1	Paper			LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED internet website (craigslist)			VALUE 0	LOC CODE 133949	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION 1 craigslist printout advertising sale of 73 Ford 1/2 ton							

OFFICER'S NAME Cardoza, Jose	ID NUMBER 1758	DATE 09/24/09 1524	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/25/09 746	PAGE 9	OF 9
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 **SUPPLEMENTAL REPORT:**

2 **ATTACHMENTS:**

3 **Sketched drafts of patrol vehicle.**

4

5 **DETAILS:**

6 **On 09/08/2009, at approximately 0810 hours, Sgt. Leon requested CSI**
 7 **(Crime Scene Investigation) to process evidence and I am on the CSI**
 8 **team. At approximately 0900 hours, I was briefed on details known at**
 9 **the time. Detective Breuss assigned me the task of sketching an SUV**
 10 **patrol vehicle.**

11

12 **At approximately 0930 hours, CSI/Det. Vandegraaf #1787 and I arrived**
 13 **at the Sheriff's Evidence Warehouse. At approximately 1000 hours, I**
 14 **sketched patrol vehicle #04419, CA Exempt license plate . I**
 15 **completed the sketched drafts of the patrol vehicle on 09/09/2009.**

16

17 **DESCRIPTION OF PATROL VEHICLE:**

18 **The fully marked Sheriff's Office patrol vehicle I sketched was**
 19 **vehicle #04419 with CA Exempt license plate . The patrol**
 20 **vehicle was a Ford SUV with a front and a rear license plate.**

21

22 **DAMAGE TO PATROL VEHICLE:**

23 **The right rear tail lamp was broken. The right rear tail lamp had a**
 24 **red covering that was to the right rear of the patrol vehicle and**
 25 **extended around to the right side of the patrol vehicle. There was**
 26 **paint transfer and swipe marks to the white bumper skin and the grey**
 27 **bumper skin below the broken tail lamp to the rear of the patrol**
 28 **vehicle. The paint transfer appeared to be green in color with some**
 29 **red. There was also paint transfer and swipe marks on the right side**
 30 **of the patrol vehicle below the tail lamp on the white bumper skin**

REPORT TYPE
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

SUPPLEMENTAL

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 and the grey bumper skin of the patrol vehicle. The approximate
2 measurements of the paint transfer that began on the lower grey
3 bumper to the highest point of paint transfer on or about the right
4 rear tail lamp was 1.59 feet to 3.68 feet.

5

6 End of report.

7

8 P.L.E.O.

9 CSI/Det. Aguirre #1752 (supplemental report)

OFFICER'S NAME
Aguirre

ID NUMBER
1752

DATE
01/19/10 1206

SHIFT/DAYS OFF
II SS

SUPERVISORS REVIEW
Wise, Edward W.

ID NUMBER
1639

DATE
02/04/10 1001

PAGE OF
2 2

LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 **Supplemental Investigation:**

2

3 On 01/29/10, I received a request from Sgt. Lera to book the cellphone
 4 from the temporary evidence locker #1 in the Investigative Services
 5 Bureau. Sgt. Lera gave me the key to Locker #1.

6

7 On 02/11/10, I removed the cellphone from locker #1 and booked it into
 8 the Evidence Room at Sheriff's Headquarters.

9

10 **P.L.E.O's**

11

12 **Detective Vandegraaf #1787 Supplemental Report**

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS
<div style="float: right; text-align: center;"> <p style="font-size: 18pt; font-weight: bold;">Office of the Sheriff</p> <p style="font-size: 18pt; font-weight: bold;">Santa Clara County</p> <p>55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p> </div>	

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
29	E		1	Cell Phone	Motorola	Q9m	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	
		From driver's seat of suspects vehicle			0	139170	<input type="checkbox"/>
DESCRIPTION Black and Red Motorola Cell Phone with car charger collected by 1787 on 09/04/09 at 0045 hours							

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE NAME	ADDRESS	CITY
	<input type="checkbox"/> FOLLOWING NAMED PERSON		

WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)#	AUTHORITY FOR DESTRUCTION	WITNESSED BY
		AND

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME	ADDRESS	CITY
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Vandegraaf, Steven	1787	02/11/10 2154	3 SSM	Wise, Edward W.	1639	02/12/10 822	2	2

REPORT TYPE
664/187 PC [F] Attempted murder <> 245 (c) PC [F]
Assault with a deadly weapon <> 2800.2 VC [F]

SUPPLEMENTAL

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

09-244-0567G

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Harding Avenue @ Highland Avenue / San Martin / 95046

VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))

1 SUPPLEMENTAL REPORT:

2

3 INVESTIGATION:

4

5 The investigation was closed by Sgt. F. Alanis #1678 on 09-09-2011.

6 This report is to document the case files were placed into permanent

7 storage in Sheriff's Office evidence. I booked the following

8 evidence into the Sheriff's Office Headquarters evidence room:

9

10 EVIDENCE:

11

12 I booked one box with two case files containing reports, photos,

13 recordings and investigative documents.

14

15 End of supplemental report.

16

17 PLEOs:

18

19 Sergeant N. Cortez #1887 - Supplemental Report

OFFICER'S NAME
Cortez, Noe

ID NUMBER
1887

DATE
10/11/17 1535

SHIFT/DAYS OFF
DET FSS

SUPERVISORS REVIEW
Quinonez, Julian

ID NUMBER
1644

DATE
10/12/17 847

PAGE OF
1 2

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS

	Office of the Sheriff Santa Clara County 55 West Younger Avenue San Jose CA 95110 (408) 808-4500
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
1	E		1	Box with Files	n/a	n/a	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	
n/a		55 W. Younger Avenue, San Jose				0 351449	<input type="checkbox"/>
DESCRIPTION One box with two case files containing reports, photos, recordings and investigative documents.							

--	--

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE NAME ADDRESS CITY	<input type="checkbox"/> FOLLOWING NAMED PERSON
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<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)#	AUTHORITY FOR DESTRUCTION	WITNESSED BY
		AND

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME	ADDRESS	CITY
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Cortez, Noe	1887	10/11/17 1535	DET FSS	Quinonez, Julian	1644	10/12/17 847	2	2

REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 09-244-0567G
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Harding Avenue @ Highland Avenue / San Martin / 95046	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

- 1 THE PURPOSE OF THIS SUPPLEMENTAL REPORT IS TO BOOK THE POLICE NOTEBOOK
- 2 USED IN THIS CASE INTO EVIDENCE.

OFFICER'S NAME Alves, Juvenal	ID NUMBER 7410	DATE 12/26/19 1549	SHIFT/DAYS OFF	SUPERVISORS REVIEW Puente, Jeffery	ID NUMBER 1858	DATE 01/15/20 1720	PAGE 1	OF 2
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REPORT TYPE 664/187 PC [F] Attempted murder <> 245 (c) PC [F] Assault with a deadly weapon <> 2800.2 VC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 09-244-0567G	<input type="checkbox"/> HEALTH HAZARD
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SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS

	Office of the Sheriff Santa Clara County 55 West Younger Avenue San Jose CA 95110 (408) 808-4500
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
1	E		1	POLICE NOTEBOOK			BAR CODE

SERIAL NUMBER	LOCATION COLLECTED 55 W YOUNGER AVE SAN JOSE CA 95110	VALUE	LOC CODE 0 402758	PROCESS EVIDENCE <input type="checkbox"/>	BAR CODE
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DESCRIPTION **POLICE NOTEBOOK USED IN THIS CASE.**

Bar code

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE NAME ADDRESS CITY <input type="checkbox"/> FOLLOWING NAMED PERSON
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<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)#	AUTHORITY FOR DESTRUCTION	WITNESSED BY
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<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME	ADDRESS	CITY
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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OFFICER'S NAME Alves, Juvenal	ID NUMBER 7410	DATE 12/26/19 1549	SHIFT/DAYS OFF	SUPERVISORS REVIEW Puente, Jeffery	ID NUMBER 1858	DATE 01/15/20 1720	PAGE 2	OF 2
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