

Office of the Sheriff, Santa Clara County

55 W. Younger Avenue, San Jose, CA 95110

- INJURY
- BOOKING
- CITE RELEASE

CASE NO.

10-202-0038E

INCIDENT REPORT

BEAT **E9**

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

REPORT TYPE **[O] Officer Involved Shooting**

OCCURRED	DATE	TIME	DAY
ON OR FROM	7/21/10	5:41	Wed
TO	7/21/10	10:24	Wed
REPORTED	7/21/10	10:24	Wed

LOCATION OF INCIDENT **47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore**

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

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

NOT ASSIG RECORDS ROUTING VICTIM ADVISED: SEXUAL ASSAULT VIC/WIT ASSIST. DOMESTIC VIOLENCE INTERPRETER NEEDED: SPANISH VIETNAMESE OTHER

ABC ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE

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

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

CLERY **W01** LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) RACE M F DOB AGE HT WT

DET. DIV. VICTIM ADVISED: SEXUAL ASSAULT VIC/WIT ASSIST. DOMESTIC VIOLENCE INTERPRETER NEEDED: SPANISH VIETNAMESE OTHER

POSTAL ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE

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

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

OTHER VICTIM VEHICLE YEAR MAKE MODEL BODY TYPE COLOR LICENSE/VIN STATE
 VICTIM # **1**

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

RURAL CRIME 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.

HATE ELDER CHILD Synopsi: **On 7-21-10 at 541 hours, the Santa County Sheriff's Office M.E.T. team (in conjunction with the Alameda County Sheriff's Deputies) were investigating a marijuana grow at the N3 Cattle Ranch in the northern border of Santa Clara County. At 1024 hours, Sheriff's deputies advised dispatch that there had been an officer involved shooting.**

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

OTHER MO INFORMATION MO Continued in Narrative

DIAGRAM ASSOCIATED CASE NUMBERS: OTHER ROUTING:

CCTV OFFICER'S NAME **R. Sheridan** ID NUMBER **1905** DATE **07/21/10 1643** SHIFT/DAYS OFF **II SSM** SUPERVISORS REVIEW **Tarabini, Marc F.** ID NUMBER **1587** DATE **07/22/10 558** PAGE **1** OF **7**

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **ATTACHMENTS:**

2

3 **Copy of M.E.T. Scout Operations Plan**

4

5 **INVESTIGATION:**

6

7 On 7-21-10 at approximately 1050 hours, Deputy Randall #1736 and I
 8 were attached to the marijuana eradication team (M.E.T.) detail at
 9 County Line @ Mines Rd. (on the N3 Cattle Ranch Property). At
 10 Sheriff's Headquarters, I met with Sgt. Vanderesch #17 who gave me a
 11 copy of the M.E.T. Scout plan. Sgt Vanderesch advised me that there
 12 had been an officer involved shooting during the M.E.T. operation and
 13 one suspect was mortally wounded.

14

15 Deputy Randall and I originally arrived at the CalFire Sweetwater
 16 Station on Mines road at approximately 1215 hours. Once a command
 17 post was established near the entrance to the N3 Ranch off of Del
 18 Valle Rd. in Livermore, we drove to the command post.

19

20 At 1430 hours, I arrived at the Del Valle Road command post. I
 21 documented the names of all civilian and law enforcement personnel at
 22 the scene. They are listed as follows:

23

24 **COMMAND POST LOG:**

25

26 **Santa Clara County Sheriff's Office personnel:**

27

28 **Deputy K. Randall #1736**

29 **Deputy C. Chilton #1598**

30 **Deputy Enright #2094**

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- 1 **Sgt. M. Dutra # 1345**
- 2 **Sgt. R. Sung-Sheriff's PIO**
- 3 **S/O Detective S. Allen #1865**
- 4 **S/O Detective S. Shaheen #1811**
- 5 **S/O Detective M. Tracey #1819**
- 6 **S/O Detective S. Harrington # 1744**
- 7 **S/O Detective Vandergraaf # 1787**
- 8 **S/O Detective Sgt. J. Cordoza # 1758**
- 9 **S/O Detective Sgt. P. McAllister # 1706**
- 10 **S/O Detective Sgt. Elder #1792**
- 11 **S/O Detective Sgt. J. Quinonez #1644**
- 12 **S/O Detective Sgt. F. Alanis #1678**
- 13 **S/O Detective Sgt. H. Leon #1685**
- 14 **Lieutenant D. Camarda #1490**
- 15 **Lieutenant M. Doty # 1677**
- 16 **Lieutenant D. Morrissey #1689**
- 17 **Captain D. Unger # 1381**
- 18 **Captain L. Pugh # 1343**
- 19
- 20
- 21 **Santa Clara County Office of the District Attorney:**
- 22
- 23 **Investigator M. Reyes #85**
- 24 **Lt. Investigator M. Sterner #7**
- 25
- 26 **Santa Clara County Non-Sworn personnel:**
- 27
- 28 **Property/Evidence Technician**
- 29
- 30 **Santa Clara County Crime Laboratory:**

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1

2 **Criminalist**

3 **Supervising Criminalist**

4

5 **Alameda County Sheriff's Office:**

6

7 **AC Deputy Gilkerson #1263**

8 **AC S/O Detective R. Gonzales #1567**

9 **AC S/O Detective J. Armijo #1029**

10 **AC S/O Detective P. Smyth #1506**

11 **AC S/O Detective Sgt. D. Dickson #921**

12

13 **INVESTIGATION CONTINUED:**

14

15 **Deputy Randall and I remained at the command post until 1612 hours.**

16 **At 1612 hours, I relieved Deputy Enright #2094 and Deputy Chilton #**

17 **1598. I took over Deputy Enright's crime scene log at the gate**

18 **entrance to the N3 Ranch (off of Del Valle Rd). The Crime Scene log**

19 **was as follows:**

20

21 ****CRIME SCENE LOG**:**

22

23 **IN AT 1612 HOURS-**

24

25 **-Criminalist/County of Santa Clara County Crime Lab**

26 **Deputy S. Allen #1865-Santa Clara County Sheriff's Office (SCCSO)**

27 **Sgt. F. Alanis #1678-SCCSO **OUT AT 1955 HOURS**

28 **Sgt. P. McAllister #1706-SCCSO **OUT AT 1955 HOURS**

29 **D.A. Investigator-M. Reyes #1612-County of SantaClara**OUT AT 1955**

30 **HRS.**

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1 **Sgt. R. Elder-SCCSO **OUT AT 1735 HOURS**

2 **Sgt. J. Quinonez-SCCSO **OUT AT 1735 HOURS**

3 **Sgt. H. Leon-SCCSO **OUT AT 1735 HOURS**

4 **Sgt. J. Cordoza #1758-SCCSO **OUT AT 1812 HOURS**

5 **Detective S. Harrington #1744-SCCSO **OUT AT 1812 HOURS**

6 **Detective Tracey #1819-SCCSO **OUT AT 1812 HOURS**

7

8 **EXITED THE CRIME SCENE AT 1750 HOURS:**

9

10 **- Property Rancher**

11 **- Property Rancher**

12 **- Rancher living at**

13

14 **IN AT 1805 HOURS:**

15

16 **Deputy Gilkerson #1263-Alameda County S/O dirtbike (2nd trip inside)**

17 **Deputy Buckout #1214 ;Alameda County S/O (ACSO) dirtbike**

18 **Deputy Fox #1575-ACSO dirtbike**

19 **Rusty Wackerman #119-Santa Clara Co Search and Rescue (SCCS/R)**

20 **Dave Orcutt #212-(SCCS/R)**

21 **Nat Bowditch #271-(SCCS/R)**

22

23 **EXITED CRIME SCENE AT 1812 HOURS:**

24

25 **Deputy Fontana #1807-Santa Clara County S/O M.E.T. team**

26 **Deputy Dibert #1694-SCCSO M.E.T.**

27 **Deputy Damigo #1690-SCCSO M.E.T.**

28 **Sgt. Spagnola #1642- SCCSO M.E.T.**

29 ****These four individuals were escorted outside the crime scene by Sgt.**

30 **Cordoza, Detective Harrington, and Detective Tracey with the Santa**

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1 **Clara County S/O.**

2

3 **EXITED THE CRIME SCENE AT 1840 HOURS:**

4

5 **-Homeowner at**

6 **-Homeowner at**

7

8 **RETURNED TO THE CRIME SCENE AT 1845 HOURS:**

9

10 **Sgt J. Cordoza #1758-SCCSO**

11 **Det. Harrington #1744-SCCSO**

12 **Det. Tracey #1819-SCCSO**

13

14 **IN AT 1900 HOURS:**

15

16 **Jeff Thomas #10110 Santa Clara Co. Search and Rescue (SCCS/R)**

17 **Jackie Tubis #10109-SCCS/R**

18

19 **IN AT 1921 HOURS:**

20

21 **Rick Buseman #10124-SCCS/R**

22 **Chris Morgan #10174-SCCS/R**

23 **Fernando Elais #10234-SCCS/R**

24

CORONER-County of Santa Clara

25

26 **At 2045 hours, I was relieved of my crime scene log by Santa Clara**

27 **County Reserve Deputy Rumley #9033 and Deputy #9207.**

28

29 **INVESTIGATION CONTINUED:**

30

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1 At the end of my shift, I submitted the MET Scout plan as an

2 attachment to the Sheriff's Detective's Bureau.

3

4 End of Report.

5

6 P.L.E.O.

7

8 Deputy R. Sheridan #1905 Original Report

9 Deputy Enright #2094 Supplemental Report/Crime Scene Log

10 Deputy K. Randall #1736 Assist/No Report

11 Deputy C. Chilton #1598 Assist/No Report

REPORT TYPE <input type="checkbox"/> Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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1 THE PURPOSE OF THIS REPORT IS TO CREATE A NEW ITEM OF EVIDENCE BEING
 2 THE CASE FILE FOLDERS THAT WERE GIVEN TO ME BY SGT. P. MCALLISTER #
 3 1706.
 4 END.

OFFICER'S NAME Durbin, Brian	ID NUMBER 7206	DATE 04/28/14 838	SHIFT/DAYS OFF DAY SS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/28/14 1221	PAGE 1	OF 2
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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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"/> 5150 / 8102 W and I	<input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> DV/120285	<input type="checkbox"/>	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
110	E		1	CASE FILE BINDERS	N/A	N/A	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
N/A		SO HQ - FROM SGT. P. MCALLISTER #1706			0	205690	<input type="checkbox"/>
DESCRIPTION ONE GREY TOTE CONTAINING TWO BLACK BINDERS AND ONE BROWN ACCORDIAN FOLDER.							

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
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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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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Durbin, Brian	7206	04/28/14 838	DAY SS	Rodriguez, Daniel	1659	04/28/14 1221	2	2

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<input type="checkbox"/> HEALTH HAZARD
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
95	E		1	CLOTHING	CARGO PANTS	CARGO	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		COLLECTED FROM CORNERS OFFICE			0	146352	<input type="checkbox"/>
DESCRIPTION BROWN CARGO PANTS COLLECTED FROM SUSPECTS BODY DURING AUTOPSY. Collected by Det. Tracey #1819 @ approx. 1058 hrs. on 7-23-2010.							

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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<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
Giovanetti, David	9289	12/08/10 1008	II SS	Camarda, Dianne L.	1490	02/14/11 1516	1	1

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL [O] Officer Involved Shooting	PROPERTY	CASE NO. 10-202-0038E	<input type="checkbox"/> HEALTH HAZARD
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
108	E		2	Writing Sheets				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		SCC Crime Lab, San Jose			0			<input type="checkbox"/>
DESCRIPTION Two indented writing sheets used to process item # 145723								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
109			1	DVD				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		SCC Crime Lab, San Jose			0	150363		<input type="checkbox"/>
DESCRIPTION One DVD containing eleven overall evidence images and thirty-two images of either visible or developed prints on items #145729A, 145730A, 145733,145834 and 145835								

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 FOLLOWSING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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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
Giovanetti, David	9289	11/24/10 1008	II SS	Camarda, Dianne L.	1490	02/14/11 1516	1	1

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 On 07-30-2010 I was present at Del Valle Park 47300 Mines Rd,
2 Livermore Ca 94550, while CAMP and deputies from Santa Clara County
3 and Alameda County eradicated the marijuana grows located on the N3
4 Ranch property. I randomly collected approximately ten pounds (green
5 weight) of the eradicated marijuana for evidence purposes.

6
7 On 07-30-2010 I placed the ten pounds (green weight) of marijuana in
8 the secured marijuana drying connex box at Sheriff's Office
9 Headquarters. I tagged the samples and signed the evidence log.

10
11 On 11-23-10 the dried marijuana was was packaged into two cardboard
12 boxes. I placed evidence labels on the boxes and submitted the boxes
13 into the evidence room at Sheriff's Office Headquarters.

OFFICER'S NAME Helms, James	ID NUMBER 1866	DATE 11/23/10 1414	SHIFT/DAYS OFF II SS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 02/15/11 1723	PAGE 1	OF 2
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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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
--

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
---	---	---	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
106	E		1	Marijuana				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		N3 Ranch attached to Del Valle Park 47300 Mines Rd			0	150354		<input type="checkbox"/>
DESCRIPTION Dried marijuana samples from the officer involved shooting on the N3 Ranch. The marijuan (green weight) was approximately 5 pounds.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
107	E		1	Marijuana				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
					0	150355		<input type="checkbox"/>
DESCRIPTION Dried marijuana samples from the officer involved shooting on the N3 Ranch. The marijuan (green weight) was approximately 5 pounds.								

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
-------------	--	------	---------	------

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
---	-----------------------	-------------

<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
--	------------	-------------------------------	-----------------------	-------------

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

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
Helms, James	1866	11/23/10 1414	II SS	Rodriguez, Daniel	1659	02/15/11 1723	2	2

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 **CSI UNIT SUPPLEMENTAL REPORT**

3

4 **On 07/21/10 at approximately 1055 hours, I was notified of an OIS**

5 **incident that had just occurred.**

6

7 **At approximately 1100 hours, I attended a preliminary briefing**

8 **regarding the incident that was held at the Sheriff's Office patrol**

9 **squad room. The following Sheriff's Office personnel were also**

10 **present:**

11

12 **Assistant Sheriff Zink**

13 **Captain McGrady**

14 **Captain Unger**

15 **Captain Pugh**

16 **Lieutenant Rodriguez**

17 **Lieutenant Havig**

18 **Lieutenant Waldherr**

19 **Lieutenant Peterson**

20 **Lieutenant Camarda**

21 **Sergeant Alanis**

22 **Sergeant McAllister**

23 **Sergeant Leon**

24 **Sergeant N. Davis**

25 **Sergeant Sung**

26 **Sergeant Helms**

27 **Sergeant Dave Rodriguez**

28 **Sergeant Oberst**

29 **CSI Detective Allen**

30 **CSI Detective Vandegraaf**

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 During the incident briefing, Assistant Sheriff Zink advised all

3 personnel in attendance of the following details:

4

5 - an officer involved shooting incident had just occurred in the east

6 foothills

7 - the incident occurred near the Alameda County line

8 - Sheriff's Office MET personnel were involved in the incident

9 - one of the suspects was injured and possibly died during the

10 incident

11 - unknown suspect(s) were possibly still in the area

12 - the scene was not secure at the time for CSI personnel to enter

13

14 Prior to the briefing ending, Captain Pugh advised all investigative

15 personnel and CSI's to stage at the intersection of San Antonio

16 Valley Road at Del Puerto Canyon Road.

17

18 At approximately 1145 hours, I left the Sheriff's Office and drove

19 towards the initial investigations unit staging area. While enroute

20 to the initial staging area, Captain Pugh advised over County radio

21 his request to have investigations and CSI personnel meet at an

22 updated staging area, Lake Del Valle State Recreation Area in

23 Livermore.

24

25 At approximately 1320 hours, I arrived at the updated investigations

26 unit staging area in Livermore. The following personnel had also

27 arrived at the staging area:

28

29 Sergeant Leon

30 Sergeant Elder

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **Sergeant McAllister**
 2 **Sergeant Alanis**
 3 **Sergeant Quinonez**
 4 **CSI Detective Harrington**
 5 **CSI Detective Allen**
 6 **CSI Detective Shaheen**
 7 **CSI Detective Vandegraaf**
 8 **CSI Detective Tracy**
 9 **(Crime Lab)**
 10 **(Crime Lab)**
 11
 12 **At approximately 1415 hours, CSI Detective Allen had a briefing with**
 13 **CSI personnel at the investigations unit staging area. Crime scene**
 14 **duties and assignments were given out to each member of the CSI team.**
 15 **I was tasked with documenting the crime scene with a video camera.**
 16
 17 **At approximately 1600 hours, I left the investigations unit staging**
 18 **area with CSI and investigations personnel and headed towards the MET**
 19 **staging area. We drove to the MET staging area in SUVs, due to the**
 20 **rough terrain and unpaved private dirt roads.**
 21
 22 **At approximately 1700 hours, I saw a Santa Clara County Sheriff's**
 23 **Office marked SUV (#417) on the dirt road leading to the MET staging**
 24 **area. The Sheriff's vehicle was coming towards us, opposite of our**
 25 **direction of travel, leading out towards the investigations staging**
 26 **area. We stopped and briefly made contact with the Deputies in the**
 27 **Sheriff's vehicle, Deputy Moore #1908, and Deputy Amaro #9288. Deputy**
 28 **Moore and Deputy Amaro told us they were heading towards the**
 29 **investigations staging area. I gave Deputy Moore and Deputy Amaro**
 30 **some Gatorade, but did not discuss the incident with them. We then**

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 continued on towards the MET staging area. Deputies Moore and Amaro
 2 continued opposite of our direction, towards the investigations
 3 staging area.

4
 5 At approximately 1715 hours, we arrived at the MET staging area.
 6 Sergeant Spagnola and Deputies Damigo, Fontana, and Dibert were
 7 standing by at the MET staging area upon our arrival.

8
 9 At approximately 1735 hours, CSI Detective Harrington and I escorted
 10 Deputies Damigo, Fontana, and Dibert back to the investigations
 11 staging area in the MET unmarked 4X4 vehicle. We did not discuss the
 12 incident while enroute to the investigations staging area.

13
 14 At approximately 1825 hours, we arrived at the investigations staging
 15 area. Captain Pugh made contact with CSI Detective Harrington and I
 16 and advised us that the Coroner's Office investigator was enroute to
 17 the scene and for us to return to the MET staging area to assist with
 18 removing the suspect's body from the crime scene.

19
 20 At approximately 1840 hours I headed back to the MET staging area with
 21 CSI Detective's Harrington and Tracey.

22
 23 At approximately 2010 hours, we arrived at the MET staging area.
 24 Within a few minutes of our arrival, Sheriff's Office Search and
 25 Rescue personnel, along with Coroner's Office investigator
 26 arrived at the MET staging area.

27
 28 Search and Rescue personnel were given a brief description of the
 29 terrain and location of the suspect's body. They determined that the
 30 task of hiking to the suspect's body and removing it from the crime

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1 scene could not safely be done, due to the time of day and limited
 2 amount of sunlight that was left.

3
 4 At approximately 2035 hours, I telephoned Captain Pugh (courtesy of a
 5 Alameda County Sheriff's Deputy who was present at the MET staging
 6 area with a satellite phone) and relayed the updated information to
 7 him from Search and Rescue. Captain Pugh concurred with Search and
 8 Rescue, in that the removal of the suspect's body would have to be
 9 done the next day at sunrise.

10
 11 At approximately 2052 hours, I headed back to the investigations
 12 staging area with the other CSI Detectives.

13
 14 At approximately 2140 hours, we arrived at the investigations staging
 15 area.

16
 17 At approximately 2200 hours, I left the investigations staging area
 18 and headed back to the Sheriff's Office to end my shift for the day.

19
 20
 21 On 07/22/10 at approximately 0700 hours, I arrived back at the
 22 investigations unit staging area.

23
 24 At approximately 0815 hours, I left the investigations unit staging
 25 area with CSI and Search and Rescue personnel and headed towards the
 26 MET staging area, via Sheriff's Office 4X4 vehicles.

27
 28 At approximately 0905 hours, we arrived at the MET staging area.

29
 30 At approximately 0918 hours, we began a foot hike towards the crime

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1 scene, with Search and Rescue personnel.

2

3 At approximately 0945 hours, we arrived at the first crime scene,
 4 opposite of the ravine where the suspect was located. SERT members
 5 Lehman, Delapena, Canon and Vasquez were at the crime scene providing
 6 security.

7

8 **CRIME SCENE DESCRIPTION**

9

- 10 - steep uninhabited hillsides with heavy brush and trees
- 11 - ravine separating suspect's body and shooting scene
- 12 - large boulders and rocks at bottom and sides of ravine
- 13 - suspect's body was located on other side of ravine, on steep
- 14 hillside

15

16 **SUPPLEMENTAL REPORT CONTINUED**

17

18 At approximately 1010 hours, CSI Detective Harrington and I hiked
 19 across the ravine and up the other hillside, where the suspect's body
 20 was located. Search and Rescue personnel escorted us during the hike.

21

22

23 At approximately 1035 hours, we arrived near the other crime scene,
 24 approximately 80' above the suspect's body (suspect's body was at a
 25 lower elevation). Due to the steep elevation, Search and Rescue
 26 personnel used harnesses tied up to a tree above the suspect's body.

27

28

29 Detective Harrington rappelled down to the suspect's body and
 30 processed the scene. Search and Rescue assisted Detective Harrington

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1 with his harness and rappelled down with him, for safety reasons. I
 2 remained above the suspect's body, harnessed to a tree.
 3
 4 Detective Harrington took the following notations with a thermometer
 5 and GPS unit and identified the following evidence items:
 6
 7 - 83° F (current temperature at the time)
 8 - suspect's body: N 37° 28.290, W 121° 37.699, elevation: 2459
 9 - knife: N 37° 28.285, W 121° 37.696 (approx. 2 ½' from suspect's
 10 head)
 11 - shell casing: N 37° 28.281, W 121° 37.703 (approx. 5' NE of rifle)
 12 - medical debris: N 37° 28.286, W 121° 37.692 (approx. 1' NE of
 13 suspect's body)
 14 - rifle: N 37° 28.286, W 121° 37.704 (7' W of suspect's head)
 15 - 2nd shell casing: N 37° 28.299, W 121° 37.690 (7 ½' NW of suspect's
 16 body)
 17 - green hat: N 37° 28.292, W 121° 37.696 (2 ½' SE of suspect's
 18 legs)
 19 - white plastic bag: N 37° 28.295, W 121° 37.693 (1' SE of suspect's
 20 legs)
 21
 22 At approximately 1215 hours, CHP helicopter H30, offloaded an Officer
 23 with a body bag and basket near the suspect's body. CSI Detective
 24 Harrington (with the assistance of the CHP Officer, Search and
 25 Rescue, and SERT member Sgt. Lehman) placed the suspect's body into
 26 the body bag and secured it in the basket.
 27
 28 At approximately 1240 hours, the CHP helicopter returned and extracted
 29 the suspect's body, via a rope that was secured to the basket
 30 containing the suspect's body.

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1

2 At approximately 1245 hours, I headed back to the first crime scene,

3 on the other side of the ravine.

4

5 At approximately 1305 hours, I arrived at the first crime scene area.

6

7

8 At approximately 1315 hours, SERT member Sgt. Lehman escorted Crime

9 Lab personnel and I to the first marijuana grow.

10

11 At approximately 1340 hours, we arrived at the marijuana grow. The GPS

12 coordinates for the first marijuana grow were: N 37° 28.25, W 121°

13 37.55. While at the first marijuana grow, I documented the area with

14 a camcorder. Other SERT members, farther ahead of our location were

15 still in the process of clearing the other marijuana grows for

16 potential outstanding suspect(s). A determination was made to return

17 to the original crime scene, since it was unsafe to proceed into the

18 other marijuana grows for potential crime scene processing.

19

20 At approximately 1420 hours, we arrived back at the first crime scene

21 and met up with the rest of the CSI's and Search and Rescue

22 personnel. We collected all of the evidence items from the two crime

23 scenes and began to hike out of the area, towards the MET (vehicle)

24 staging area.

25

26 At approximately 1515 hours, we arrived at the MET staging area.

27

28 At approximately 1525 hours, SERT member Sgt. Canon arrived at the MET

29 staging area (via CHP helicopter H30) with a grey backpack that was

30 located by the SERT team in marijuana garden #6. The grey backpack

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1 contained a rifle and other items of evidence.

2

3 At approximately 1555 hours, SERT member Sgt. Simonson arrived at the
 4 MET staging area (via CHP helicopter H30) with a black rifle bag that
 5 contained a rifle with a brown stock. The items were located by SERT
 6 members in marijuana garden #4.

7

8 At approximately 1605 hours, SERT member Sgt. Spagnola arrived at the
 9 MET staging area (via CHP helicopter H30) with a yellow plastic bag
 10 that contained toiletry items and a plastic zip lock bag that
 11 contained air rifle pellets. The items were located by SERT members
 12 in marijuana garden #4.

13

14 The above items of evidence collected by SERT members were secured in
 15 CSI vehicles.

16

17 At approximately 1615 hours, I headed back to the investigations unit
 18 staging area with CSI and Search and Rescue personnel.

19

20 At approximately 1650 hours, we arrived at the investigations unit
 21 staging area. While at the investigations unit staging area, Sgt.
 22 Spagnola gave me the following GPS coordinates for the marijuana
 23 grows:

24

- 25 - garden #4: N 37° 28.006, W 121° 37. 262
- 26 - garden #6: N 37° 27.823, W 121° 37.056

27

28 At approximately 1800 hours, I left the investigations unit staging
 29 area and headed back to the Sheriff's Office headquarters facility.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 **At approximately 1910 hours, I arrived at the Sheriff's Office and**

3 **assisted other CSI personnel with offloading evidence collected from**

4 **the crime scenes and securing it in the CSI evidence room.**

5

6 **On 07/27/10, I received a CD containing photos from the crime scene,**

7 **from the Santa Clara County Crime Lab. I gave the CD to Sergeant**

8 **McAllister.**

9

10 **P.L.E.O:**

11

12 **Det. Cardoza #1758**

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1 WEDNESDAY JULY 21, 2010

2

3 On 7-21-10, I was on duty as a Crime Scene Investigator (CSI) for the
 4 Santa Clara County Sheriff's Office. At approximately 1040 hours,
 5 CSI Detective Allen #1865 called and told me that the CSI Team needed
 6 to respond to Mines Road @ San Antonio Valley Road in unincorporated
 7 Livermore to assist in the investigation of an officer involved
 8 shooting that involved the Santa Clara County Sheriff's Office
 9 Marijuana Eradication Team (MET).

10

11 CSI Detective Allen told me there were shots fired and one confirmed
 12 dead body.

13

14 At approximately 1050 hours, I called County Communications to get
 15 further details. County Communications told me no officers were
 16 injured, there was one suspect confirmed dead, and the location was
 17 at the N3 Ranch. I was told I needed to respond to Mines Road @ San
 18 Antonio Valley Road in Livermore.

19

20 At approximately 1330 hours, CSI/Detective Harrington #1744 and I
 21 arrived at the Del Valle camp area and met with the lead
 22 Investigators, Detective Sergeants Leon #1685, Elder #1792,
 23 McAllister #1706, Alanis #1678, and Quinonez #1644. Also on scene
 24 were CSI members, Detectives Cardoza #1758, Vandegraaf #1787, Tracey
 25 #1819, and Allen #1865. Santa Clara County District Attorney's Crime
 26 Lab Criminalists

27 were also at the Command Post to assist the CSI
 28 members in processing the crime scene.

29

30 At approximately 1400 hours the CSI set up the Command Post. We had a

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 briefing and were told the facts of the incident known at the time.

2 There were approximately six Santa Clara County deputies and five to

3 six Alameda County deputies involved in the incident.

4

5 At approximately 1440 hours we had completed setting up and were ready

6 to process the officers that were involved in the incident, as they

7 were relieved from the scene. The CSI team was in standby mode until

8 the scene was determined to be secure by Sheriff's Emergency Response

9 Team (SERT).

10

11 At approximately 1720 hours, Alameda County Deputies Farruggia, Mora,

12 Lydon, Pope, Peterson, and Ortiz arrived at the Command Post from the

13 crime scene. At approximately 1735 hours, CSI/Det. Vandegraaf and

14 Criminalist wrote down the serial numbers for their rifles

15 and I photographed each deputy from all four sides. At approximately

16 1750 hours, I finished photographing the Alameda County deputies.

- 17
- 18 PHOTO LOG:
- 19
- 20 1) Photo of the case information
- 21
- 22 2-7) Photos of Alameda County Deputy M. T. Farruggia
- 23
- 24 8-13) Photos of Alameda County Deputy Mora
- 25
- 26 14-18) Photos of Alameda County Deputy K. J. Lydon
- 27
- 28 19-25) Photos of Alameda County Deputy Pope
- 29
- 30 26-31) Photos of Alameda County Deputy S. K. Peterson

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1

2 **32-37) Photos of Alameda County Deputy M. A. Ortiz**

3

4 **INVESTIGATION CONTINUED:**

5

6 **At approximately 1800 hours, Santa Clara County Deputies Moore, Amaro,**

7 **Dibert, Damigo, Fontana, and Sergeant Spagnola arrived at the Command**

8 **Post from the crime scene. At approximately 1830 hours, I**

9 **photographed each deputy from all four sides. CSI/Det. Vandegraaf**

10 **and Criminalist** wrote down the serial numbers for deputies

11 **Moore and Amaro, and Sgt. Spagnola's rifles and took possession of**

12 **deputies Dibert, Damigo, and Fontana's rifles. At approximately 1900**

13 **hours, I finished photographing deputies Moore, Amaro, Dibert,**

14 **Damigo, and Fontana, and Sgt. Spagnola.**

15

16 **PHOTO LOG CONTINUED:**

17

18 **38-44) Photos of Santa Clara County Deputy Moore**

19

20 **45-51) Photos of Santa Clara County Deputy Amaro**

21

22 **52-60) Photos of Santa Clara County Deputy Dibert**

23

24 **61-69) Photos of Santa Clara County Deputy Damigo**

25

26 **70-77) Photos of Santa Clara County Deputy Fontana**

27

28 **78-85) Photos of Santa Clara County Sergeant Spagnola**

29

30 **INVESTIGATION CONTINUED:**

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1

2 At approximately 1935 hours, I left the Command Post to drive back to

3 the Sheriff's Office Headquarters to take photographs of deputies

4 Moore and Amaro with their gear they had on at the crime scene.

5

6 At approximately 2035 hours, I arrived at HQ. At approximately 2058

7 hours, I found deputies Moore and Amaro and photographed them from

8 all four sides with their gear and rifles. Deputy Moore could not

9 find his camouflage hat that he was wearing at the crime scene, so I

10 photographed him without it.

11

12 At approximately 2200 hours, I started photographing the rifles that

13 were taken at the Command Post from deputies Dibert, Damigo, and

14 Fontana.

15

16 At approximately 2320 hours, I finished photographing the rifles. I

17 put the rifles back in the rifle boxes they were in and left them in

18 the CSI processing room located on the third floor of the Sheriff's

19 Office.

20

21 PHOTO LOG CONTINUED:

22

23 86-98) Photos of Santa Clara County Deputy Moore

24

25 99-103) Photos of Santa Clara County Deputy Amaro

26

27 104-112) Photos of CSI/Det. Vandegraaf's evidence item #1, Deputy

28 Dibert's rifle

29

30 113) Photo of CSI/Det. Vandegraaf's evidence items #1-4, Deputy

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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- 1 Dibert¿s rifle, two magazines, and the chambered bullet
- 2
- 3 114-122) Photos of CSI/Det. Vandegraaf¿s evidence item #2, Deputy
- 4 Dibert¿s magazine
- 5
- 6 123-127) Photos of CSI/Det. Vandegraaf¿s evidence item #3, Deputy
- 7 Dibert¿s magazine
- 8
- 9 128-129) Photos of CSI/Det. Vandegraaf¿s evidence item #4, Deputy
- 10 Dibert¿s chambered bullet
- 11
- 12 130-140) Photos of CSI/Det. Vandegraaf¿s evidence item #5, Deputy
- 13 Damigo¿s rifle
- 14
- 15 141-142) Photos of CSI/Det. Vandegraaf¿s evidence item #5-7, Deputy
- 16 Damigo¿s rifle, one magazine, and the chambered bullet
- 17
- 18 143-149) Photos of CSI/Det. Vandegraaf¿s evidence item #6, Deputy
- 19 Damigo¿s magazine
- 20
- 21 150-151) Photos of CSI/Det. Vandegraaf¿s evidence item #7, Deputy
- 22 Damigo¿s chambered bullet
- 23
- 24 152-157) Photos of CSI/Det. Vandegraaf¿s evidence item #8, Deputy
- 25 Fontana¿s rifle
- 26
- 27 158) Photo of CSI/Det. Vandegraaf¿s evidence item #8-11, Deputy
- 28 Fontana¿s rifle, two magazines, and the chambered bullet
- 29
- 30 THURSDAY JULY 22, 2010

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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1

2 INVESTIGATION CONTINUED:

3

4 At approximately 0700 hours, I arrived back at the Command Post to
5 process the crime scene. CSI Detectives Harrington, Cardoza,
6 Vandegraaf, Tracey, and Allen were already at the Command Post.
7 Criminalists

8 were also at the Command Post to assist us on the crime
9 scene.

10

11 At approximately 0815 hours, CSI Detectives Harrington, Cardoza,
12 Vandegraaf, Tracey, Allen, and I, and Criminalists

13 left the Command Post to go
14 to the staging area.

15

16 At approximately 0905 hours, we arrived at the staging area. Santa
17 Clara County Search and Rescue was already at the staging area
18 getting their equipment ready.

19

20 At approximately 0925 hours, the CSI Team, Criminalist Team, and
21 Search and Rescue Team left the staging area to hike into the crime
22 scene. At approximately 0945 hours, we arrived at the lower crime
23 scene, Crime Scene #1. Some members of the Santa Clara County SERT
24 were at the outer perimeter of the lower scene for scene security.

25

26 The lower scene was taped off with yellow crime scene tape. Within
27 the yellow crime scene tape was an area that was taped off with
28 bright orange tape. There were two separate locations within the
29 orange tape that were marked off with an orange piece of tape tied to
30 a stick and stuck in the ground.

OFFICER'S NAME Shaheen, Shadra	ID NUMBER 1811	DATE 09/13/10 1403	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/13/10 1539	PAGE 6	OF 14
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 At approximately 1010 hours, CSI/Detectives Harrington and Cardoza
 3 left the lower crime scene and hiked up to the upper crime scene,
 4 Crime Scene #2. See their supplemental reports for further details
 5 of the upper scene.

6

7 At approximately 1025 hours, the remainder of the CSI Team and the
 8 Criminalist Team processed the lower scene, Crime Scene #1. CSI/Det.
 9 Allen and I took GPS coordinates and measurements from the lower
 10 scene from two different trees that had the yellow crime scene tape
 11 wrapped around them.

12

13 At approximately 1130 hours, we collected evidence items that we
 14 located within the lower scene. At approximately 1200 hours, we
 15 finished processing the lower scene.

16

17 PHOTO LOG CONTINUED:

18

19 159-172) Photos of crime scene #1 and #2

20

21 INVESTIGATION CONTINUED:

22

23 At approximately 1215 hours the CHP helicopter arrived to remove the
 24 decedent's body from the upper scene and transport it back to the
 25 Command Post. An officer was lowered from the helicopter with a body
 26 bag and backboard. CSI/Det. Harrington and SERT Sgt. Lehmann assisted
 27 the CHP officer in getting the decedent's body into the body bag and
 28 onto the backboard. At approximately 1240 hours the body was lifted
 29 from the scene and transported back to the Command Post. See CSI/Det.
 30 Vandergraaf's supplemental report for further details.

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 At approximately 1300 hours, SERT was given approval to hike into the

3 marijuana gardens to make sure the scene was secure so CSI could

4 process. After SERT finished securing the marijuana gardens, it was

5 decided that CSI was not going to be able to enter the gardens

6 because we did not have enough supplies for our team to ensure our

7 health and welfare. SERT located and collected several evidence

8 items in the marijuana gardens and brought it back to the staging

9 area so CSI could process it back at the CSI processing room at

10 Sheriff's Office Headquarters.

11

12 At approximately 1450 hours, we left the crime scene and hiked back to

13 the staging area.

14

15 At approximately 1515 hours, we arrived back at the staging area.

16

17 See CSI/Detectives Cardoza and Tracey's supplemental reports for the

18 evidence items that SERT collected in the marijuana gardens.

19

20 At approximately 1545 hours, we left the staging area to drive back to

21 the Command Post. At approximately 1650 hours, we arrived back at

22 the Command Post.

23

24 At approximately 1800 hours, I left the Command Post to drive back to

25 the Sheriff's Office Headquarters and arrived at approximately 1930

26 hours. CSI/Detectives Vandegraaf and Harrington and I took all the

27 evidence and secured it in the CSI Evidence Processing Room located

28 on the third floor.

29

30 At approximately 2000 hours, I went off duty.

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 **FRIDAY JULY 23, 2010**

3

4 **At approximately 0830 hours, CSI/Det. Allen and I began processing all**

5 **of the evidence we collected at both crime scenes. I photographed**

6 **the evidence and CSI/Det. Allen scribed and packaged the items.**

7 **CSI/Detectives Vandegraaf and Tracey arrived later to assist us with**

8 **processing the evidence.**

9

10 **PHOTO LOG CONTINUED:**

11

12 **173-178) Photos of CSI/Det. Vandegraaf's evidence item #9, Deputy**

13 **Fontana's magazine**

14

15 **179-182) Photos of CSI/Det. Vandegraaf's evidence item #10, Deputy**

16 **Fontana's magazine**

17

18 **183-184) Photos of CSI/Det. Vandegraaf's evidence item #11, Deputy**

19 **Fontana's chambered bullet**

20

21 **185) Photo of CSI/Det. Vandegraaf's evidence items #2, Deputy Dibert's**

22 **magazine**

23

24 **186) Photo of CSI/Det. Vandegraaf's evidence item #3, Deputy Dibert's**

25 **magazine**

26

27 **187) Photo of CSI/Det. Vandegraaf's evidence item #6, Deputy Damigo's**

28 **magazine**

29

30 **188) Photo of CSI/Det. Vandegraaf's evidence item #9, Deputy Fontana's**

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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- 1 magazine
- 2
- 3 189) Photo of CSI/Det. Vandegraaf's evidence item #10, Deputy
- 4 Fontana's magazine
- 5
- 6 190-195) Photos of evidence item #11, white handled folding knife
- 7
- 8 196) Photo of evidence item #12, medical debris
- 9
- 10 197) Photo of evidence item #13, camouflage baseball hat
- 11
- 12 198) Photo of evidence item #14, medical debris
- 13
- 14 199) Photo of evidence item #15, cartridge casing
- 15
- 16 200) Photo of crime scene #16, cartridge casing
- 17
- 18 201-208) Photos of evidence item #17, pellet gun
- 19
- 20 209-217) Photos of evidence item #18, .22 CAL rifle
- 21
- 22 218) Photo of evidence item #19, green & black backpack
- 23
- 24 219) Photo of all weapons found with S01 and inside the marijuana
- 25 gardens
- 26
- 27 220-221) Photos of evidence item #20, .223 CAL bullets
- 28
- 29 222) Photo of evidence item #21, .22 CAL bullets
- 30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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- 1 223) Photo of evidence item #22, .22 CAL bullets
- 2
- 3 224) Photo of evidence item #23, .380 CAL bullets
- 4
- 5 225) Photo of evidence item #24, .38 SPL bullets
- 6
- 7 226) Photo of evidence item #25, .38 CAL bullets
- 8
- 9 227) Photo of evidence item #26, .38 SPL bullets
- 10
- 11 228-229) Photos of evidence item #27, 20 gauge shotgun
- 12
- 13 230) Photo of evidence item #28, 20 gauge buckshot shells
- 14
- 15 231) Photo of crime scene #29, vitamin water bottle
- 16
- 17 232-234) Photos of evidence item #30, .177 CAL pellets
- 18
- 19 235-236) Photos of evidence item #31, Marlboro cigarettes
- 20
- 21 237) Photo of evidence item #32, marijuana seeds
- 22
- 23 238-243) Photos of evidence items #33, handwritten letter
- 24
- 25 244-245) Photos of evidence item #34, business card
- 26
- 27 246-249) Photos of evidence item #35, scissors
- 28
- 29 250-251) Photos of evidence item #36, US Army camouflage baseball hat
- 30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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- 1
- 2 **252) Photo of evidence item #37, Coca Cola bottle**
- 3
- 4 **253-254) Photos of evidence item #38, animal crackers inside a grocery**
- 5 **bag**
- 6
- 7 **255) Photo of evidence item #39, keys**
- 8
- 9 **256-257) Photos of evidence item #40, toothbrushes**
- 10
- 11 **258) Photo of evidence item #41, disposable razor**
- 12
- 13 **259-260) Photos of evidence item #42, nail clippers**
- 14
- 15 **261) Photo of evidence item #43, utensils**
- 16
- 17 **262) Photo of evidence item #44, plastic cups**
- 18
- 19 **263-267) Photos of evidence items #45, .22 CAL pellet gun**
- 20
- 21 **268-272) Photos of evidence item #46, black rifle case**
- 22
- 23 **273-280) Photos of evidence item #47, pellet gun**
- 24
- 25 **281-282) Photos of evidence item #48, bar of soap**
- 26
- 27 **283-284) Photos of evidence item #49, .177 CAL pellets**
- 28
- 29 **285) Photo of evidence item #50, 9MM bullet**
- 30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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- 1 286) Photo of evidence item #51, deodorant
- 2
- 3 287) Photo of evidence item #52, disposable razor
- 4
- 5 288) Photo of evidence item #53, toothbrushes
- 6
- 7 289) Photo of evidence item #54, toothpaste
- 8
- 9 290) Photo of evidence item #55, plastic cup
- 10
- 11 291) Photo of evidence item #56, plastic cup
- 12
- 13 292) Photo of evidence item #57, energy drink
- 14
- 15 283) Photo of evidence item #58, handwritten note
- 16
- 17 294) Photo of evidence item #59, marijuana seeds
- 18
- 19 295) Photo of evidence item #60, air rifle pellets
- 20
- 21 296-297) Photos of evidence item #61, cell phone
- 22
- 23 298-299) Photos of evidence item #62, lighter
- 24
- 25 300) Photo of evidence item #63, air soft pellets
- 26
- 27 **INVESTIGATION CONTINUED:**
- 28
- 29 **At approximately 2000 hours, we finished packaging the evidence. We**
- 30 **secured all the evidence in the CSI Evidence Processing Room until it**

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 could be booked into the Evidence Room.

2

3 P.L.E.O.S:

4

5 CSI/Det. Shaheen #1811 Supplemental report

6 CSI/Det. Harrington #1744 Supplemental report

7 CSI/Det. Vandegraaf #1787 Supplemental report

8 CSI/Det. Tracey #1819 Supplemental report

9 CSI/Det. Allen #1865 Supplemental report

10 Criminalist Supervisor Assist / no report

11 Criminalist Supervisor Assist / no report

12 Criminalist Supplemental report

13 Criminalist Assist / no report

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. 10-202-0038E
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"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

W01	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Amaro Doug	<input type="checkbox"/> STATE OF CA	RACE White	M <input checked="" type="checkbox"/> F <input type="checkbox"/>	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 55 West Younger		CITY/STATE San Jose Ca	ZIP 95110	PHONE (408) 808-4410		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								

W04	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Peterson Shawn Kay	<input type="checkbox"/> STATE OF CA	RACE White	M <input checked="" type="checkbox"/> F <input type="checkbox"/>	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 15001 Foothill Blvd		CITY/STATE San Leandro Ca	ZIP 95110	PHONE (510) 410-8785		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								

W06	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Lydon Keith Joseph	<input type="checkbox"/> STATE OF CA	RACE White	M <input checked="" type="checkbox"/> F <input type="checkbox"/>	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 15001 Foothill Blvd.		CITY/STATE San Leandro Ca.	ZIP 95110	PHONE (510) 667-7721		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								

W07	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Pope Derek Dean	<input type="checkbox"/> STATE OF CA	RACE White	M <input checked="" type="checkbox"/> F <input type="checkbox"/>	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 15001 Foothill Blvd.		CITY/STATE San Leandro Ca	ZIP 95110	PHONE (510) 410-8785		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								

W10	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	<input type="checkbox"/> STATE OF CA	RACE	M <input type="checkbox"/> F <input type="checkbox"/>	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 Quinonez, Julian	ID NUMBER 1644	DATE 09/08/10 755	SHIFT/DAYS OFF Days SSM	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/16/10 1659	PAGE 1	OF 26
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1 **ATTACHMENTS:**

2

3 One compact disk containing audio recorded interviews with, W01 Amaro,
 4 W04 Peterson, W07 Pope, W06 Lydon, and W10 .

5

6

7 **INVESTIGATION:**

8

9 On July 21, 2010, at approximately 1045 hours, I was notified by
 10 Sergeant Alfredo Alanis #1678 of an officer involved shooting at the
 11 Santa Clara County/ Alameda County line. I was advised to respond to
 12 the Sheriff's Office Headquarters squad room for briefing.

13

14 At approximately 1120 hours, I arrived at headquarters and made
 15 contact with lead investigator, Sergeant Paula McAllister #1706.
 16 Sergeant McAllister stated that at approximately 1020 hours, deputies
 17 from the Santa Clara and Alameda County Marijuana Eradication Teams
 18 engaged a suspect at the N3 Ranch near Mines Road. Deputies fired
 19 several shots striking the suspect. The suspect was taken into
 20 custody and first aid was rendered by tactical medics. The suspect
 21 was pronounced dead at 1025 hours. Deputies on scene further stated
 22 there are possibly two outstanding suspects. The Sheriff's Emergency
 23 Response Team was activated to secure the crime scene.

24

25 At approximately 1210 hours, Sergeant's McAllister, Alanis, Leon,
 26 Elder, and I responded to the Sheriff's Office Command Post at the
 27 Junction in the San Antonio Valley. At approximately 1230 hours, we
 28 were advised via County radio that the Sheriff's Office Command Post
 29 was moved to Del Valle Lake Campgrounds in Alameda County. At
 30 approximately 1320 hours, we arrived at the Command Post.

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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1

2 At approximately 1420 hours, Alameda County Sheriff's Office Homicide

3 Detectives, Smyth, Gonzales, Armijo, and Sergeant Dickson arrived at

4 the Command Post. At approximately 1450 hours, Investigator Reyes,

5 and Lieutenant Sterner from the District Attorney's Office

6 Investigations Unit arrived at the Command Post.

7

8 At approximately 1500 hours, Captains Pugh, Unger, and Lieutenant

9 Camarda arrived at the Command Post. Deputy Gilkerson of the Alameda

10 County Sheriff's Office gave a briefing of the crime scene

11 location.

12

13 Deputy Gilkerson said the crime scene was approximately 12 miles from

14 the Command Post in Santa Clara County. It is accessible only by dirt

15 roads requiring four wheel drive vehicles. The last 100 yards is only

16 accessible by foot. Due to the rugged terrain, travel time to the

17 crime scene was approximately one hour.

18

19 At approximately 1515 hours, Lieutenant Morrissey arrived at the

20 Command Post. Lieutenant Morrissey advised he just returned from the

21 crime scene staging area. Per Lieutenant Morrissey S.E.R.T members

22 had secured the crime scene and the Marijuana Eradication Team were

23 approved to clear the scene.

24

25 At approximately 1600 hours, I drove CSI Detectives Harrington,

26 Cardoza, and DA Investigator Reyes to the crime scene staging area.

27 My job was to drop off CSI members and equipment at the staging area.

28 I was then supposed to pick up M.E.T deputies and return them to the

29 command post. Approximately four miles before the staging area, I

30 noticed the Alameda County M.E.T deputies were driving their vehicle

OFFICER'S NAME Quinonez, Julian	ID NUMBER 1644	DATE 09/08/10 755	SHIFT/DAYS OFF Days SSM	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/16/10 1659	PAGE 3	OF 26
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1 back to the command post. We made contact with W02 Moore and W01
2 Amaro who were following the Alameda County deputies. They said they
3 were cleared to leave the crime scene and that the rest of the team
4 was driving down the hill. I was instructed by Sergeant McAllister to
5 return to the Command Post to isolate the involved deputies.

6
7 At approximately 1655 hours, I proceeded back to the Command Post. At
8 approximately 1735 hours I arrived at the Command post and made
9 contact with Alameda County Sheriff Sergeant Dickson. He stated all
10 six of the Alameda M.E.T deputies are requesting an attorney before
11 any interviews. Sergeant Dutra was sitting in the Command vehicle W02
12 Moore and W01 Amaro.

13
14 At approximately 1810 hours, I transported W05 Faruggia, and W06 Lydon
15 to the Sheriff's Office headquarters in San Jose. During the
16 transport, we did not discuss the incident. At approximately 1910
17 hours we arrived at Headquarters. I escorted W05 Faruggia and W06
18 Lydon to the third floor conference room. They were left in the care
19 of Sheriff Liaison Officer Sergeant Csyabani.

20
21 At approximately 1925 hours, Attorney _____ (attorney for
22 involved Santa Clara County deputies) arrived at the Sheriff's
23 Office. At approximately 2010 hours, Attorney _____ (attorney
24 for involved Alameda County deputies) arrived at the Sheriff's
25 Office. All involved deputies were interviewed by their attorneys.

26
27 At approximately 2215 hours, I obtained the following statement from
28 Deputy Doug Amaro (later identified as witness 01)

29
30 **STATEMENT OF WITNESS 01 DOUG AMARO:**

OFFICER'S NAME Quinonez, Julian	ID NUMBER 1644	DATE 09/08/10 755	SHIFT/DAYS OFF Days SSM	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/16/10 1659	PAGE 4	OF 26
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1

2 The following interview was audio and video recorded.

3

4 I advised W01 Amaro that he was a witness and not under arrest. He did

5 not have to answer any questions he was not comfortable with, and he

6 was free to leave at any time. I asked W01 Amaro if he had an

7 opportunity to speak with his attorney prior to this interview. W01

8 Amaro said he spoke with an investigator representing his attorney. I

9 asked him if he was comfortable with that. He said it was fine.

10

11

12 W01 Amaro has been a Reserve Deputy Sheriff Level III for the past

13 five years. He is a Tactical Medic assigned to the Sheriff's

14 Emergency Response Team. He is also a member of the Marijuana

15 Eradication Team. He has been a member of M.E.T for the past four

16 years. In the last four years W01 Amaro has attended a basic and

17 advanced sniper school. He attended a two week basic SWAT school. He

18 has received AR15 training and basic hand gun training. W01 Amaro's

19 work schedule is on call status for S.E.R.T and M.E.T call outs.

20

21 W01 Amaro currently works full-time as a Firefighter/Paramedic for the

22 city of San Jose for the past 15 years.

23

24 I asked W01 Amaro if he could tell me what his assignment was today.

25 He stated he was assigned as the team medic for the Marijuana

26 Eradication Team. He said the team was on a marijuana scout that was

27 reported by a ranch foreman for the N3 Ranch. The foreman located a

28 black pipe coming out of a creek in a remote area on the ranch. The

29 foreman believed these types of pipes are used as water lines to

30 irrigate marijuana grows.

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1

2 I asked W01 Amaro if they had an Operation Plan for today's event.

3 W01 Amaro said they had two Operation plans. One for Alameda County

4 and one for Santa Clara County. He said all written assignments and

5 rules of engagement were explained thoroughly.

6

7 W01 Amaro said they did not have any suspect information prior to the

8 incident. I asked W01 Amaro how close he was to the suspect during

9 the incident. He said he was about 50 yards away walking through a

10 creek bed with a high bank.

11 W01 Amaro looked up on his left side and saw the suspect on top of a

12 ridge. W01 Amaro noticed the suspect was carrying a rifle (brown

13 color with black barrel) and immediately notified his team via radio.

14 The suspect then moved out of W01 Amaro's view. W01 Amaro did not

15 hear the suspect say anything and he did not say anything to the

16 suspect. W01 Amaro said he froze because the suspect was looking in

17 his direction. W01 Amaro did not have any cover and did not want the

18 suspect to shoot at him. W01 Amaro thinks the suspect may have seen

19 him but then walked away from his line of sight.

20

21 W01 Amaro heard someone say, "Stop! Put your hands up!" He said there

22 were three deputies above him on the right ridge providing cover, but

23 was not sure who said it. I asked him if anyone identified themselves

24 to the suspect. He said he heard someone say, "Police" followed by a

25 single gun shot. W01 Amaro said he slammed himself up against the

26 wall of the ridge for cover because he did not know where the shot

27 came from. W01 Amaro heard a second gun shot followed by someone

28 yelled "Suspect down!" A deputy from behind W01 Amaro told him to

29 move up the hill towards the suspect. W01 Amaro, V03 Damigo, W02

30 Moore, and an Alameda County deputy began moving up towards the

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1 suspect. W01 Amaro and an Alameda County Deputy followed W02 Moore
2 and V03 Damigo up the ridge. The ridge became very steep and they had
3 a hard time climbing up the ridge. W02 Moore and the Alameda County
4 deputy got stuck behind a logjam of bushes while V03 Damigo continued
5 up the ridge. W01 Amaro got around the bushes and continued up the
6 ridge with V03 Damigo. The distance from the creek bed to the top of
7 the ridge was approximately 30 yards.

8
9 When they got to the top of the ridge, they went to the left and saw
10 the suspect. They were approximately 10 yards from the suspect when
11 they made contact. W01 Amaro said the suspect was lying on the ground
12 with his feet towards them. W01 Amaro said the top of the ridge was
13 on an incline approximately 60 degrees. The suspect's head was on the
14 lower end of the incline. W01 Amaro said the suspect's arms were
15 extended. The suspect was reaching over his head for something in the
16 bushes. W01 Amaro had his weapon drawn on the suspect and was
17 watching his hands. He could not see what the suspect was reaching
18 for. He said V03 Damigo was yelling at the suspect not to move and to
19 keep his hands up. The suspect continued to reach towards the bushes
20 behind his head. W01 Amaro said the suspect then reached quickly
21 towards the bushes and V03 Damigo fired two shots with his long
22 rifle. W01 Amaro said the suspect stopped moving. I asked W01 Amaro
23 if the suspect ignored the commands given by V03 Damigo. W01 Amaro
24 stated, 'Yes.'

25
26 V03 Damigo provided cover for W01 Amaro and an Alameda County deputy
27 while they took the suspect into custody. They used flex cuffs on the
28 suspect. V03 Damigo told W01 Amaro, 'There's the rifle.' A rifle was
29 lying on the ground approximately 10 feet from the suspect on the
30 left side. I asked W01 Amaro if it was the same rifle he saw on the

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1 suspect earlier. He said it was.

2

3 I asked him how he felt after the shots were fired. He said he felt

4 pretty excited, he reverted to his training by providing cover for

5 his partner. He then went into medic mode. As he was taking the

6 suspect into custody, he requested a life flight helicopter for the

7 suspect. They moved the suspect to a position where they could

8 provide medical treatment. W01 Amaro explained the medical treatment

9 he provided to the suspect. They first assessed the suspect's

10 injuries. They lifted the suspect's shirt and saw two gun shot wounds

11 on the left mid chest area. They applied Asher man chest shields to

12 the wounds to control the bleeding. The suspect did not have a pulse

13 and was pronounced dead by W01 Amaro at 1025 hours.

14

15 I asked him what he thought the suspect was trying to do when he was

16 reaching over his head. W01 Amaro stated, "I think he was reaching

17 for a gun." W01 Amaro feared for his life when the suspect kept

18 reaching back. W01 Amaro did not fire his service weapon

19

20 W01 Amaro checked with all team members to see if anyone was injured.

21 W01 Amaro said no one was injured.

22

23 W01 Amaro described the deceased suspect as a Hispanic male adult mid

24 twenties, 5'4", 130 pounds with a goatee. He was wearing a camouflage

25 hat, camouflage shirt, blue jeans, and hiking boots. W01 Amaro said

26 someone on the team reported two possible suspect's had run away. I

27 asked W01 Amaro if he had heard anyone give any commands in Spanish.

28 He said when he was down in the creek bed he heard someone yell

29 something in Spanish. W01 Amaro does not understand Spanish and does

30 not know what was yelled out.

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1

2 INVESTIGATION CONTINUED:

3

4 At approximately 2310 hours, I interviewed W04 Peterson and obtained
5 the following statement.

6

7 STATEMENT OF WITNESS 04 SHAWN PETERSON:

8

9 W04 Peterson was accompanied by his Attorney and Alameda
 10 County Sheriff's Office representative Sergeant David Dickson. I
 11 advised W04 Peterson that he was a witness and not under arrest. He
 12 did not have to answer any questions he was not comfortable with, and
 13 he was free to leave at any time. W04 Peterson understood and agreed
 14 to speak to me.

15

16 W04 Peterson has been employed with the Alameda County Sheriff's
 17 Office for the past 12 years. He is currently working as a supervisor
 18 for the Special Investigations Unit (narcotics, vice, gambling,
 19 special operations). I asked W04 Peterson if he could tell me what
 20 type of training has he received related to this type of incident.
 21 W04 Peterson created a 40 hour training course for his department
 22 related to Marijuana Eradication. He has attended numerous training
 23 conferences related to Marijuana Eradication; he attended an 80 hour
 24 narcotic officer training and a 40 hour narcotic officer supervisor
 25 training course. He has over 100 hours of field time in Marijuana
 26 Eradication.

27

28 W04 Peterson was the team (ACSO) supervisor for today's operation. W04
 29 Peterson completed the Operations Plan, and received a copy of the
 30 Santa Clara County Sheriff's Office Operations Plan. Prior to the

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1 incident W04 Peterson gave a briefing to both teams (Alameda County,
 2 Santa Clara County). The rules of engagement and contingency plan
 3 were reviewed.
 4

5 Prior to the incident W04 Peterson had received several phone calls
 6 from the caretaker of the N3 Cattle Ranch. The caretaker discovered a
 7 water line coming from the creek. N3 Cattle Ranch is approximately
 8 52,000 acres. W04 Peterson had located marijuana grows and
 9 encountered suspect;s in the past on the property. W04 Peterson knows
 10 from his experience that waterlines from creeks in remote areas are
 11 commonly used for irrigation for marijuana grows. Based on the
 12 evidence, W04 Peterson completed an Operations Plan for a Marijuana
 13 scout on the N3 Ranch.
 14

15 N3 Ranch spans over both Alameda County and Santa Clara County. Due to
 16 the joint jurisdiction of the ranch, W04 Peterson contacted the Santa
 17 Clara County Sheriff;s Office Marijuana Eradication Team. On today;s
 18 date both teams met the caretaker on the ranch property. The
 19 caretaker showed the teams where they could enter the scout area from
 20 the road.
 21

22 The teams followed a foot trail leading to Sycamore Creek. They
 23 located the waterline reported by the caretaker. Sycamore Creek is in
 24 Santa Clara County. Because of the jurisdiction the Santa Clara
 25 County Sheriff;s Marijuana Eradication Team took the lead. The teams
 26 followed the waterline in the creek for approximately ¼ mile. Team
 27 members were staggered approximately 30 feet from each other. W04
 28 Peterson noticed the creek was coming to a ;choke point; up ahead. A
 29 choke point is when the creek begins to narrow with high walls on
 30 both sides.

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1

2 As they approached the choke point, they noticed a foot trail and the

3 waterline going up the right bank of the creek. He said several Santa

4 Clara County team members took the foot trail up the right bank while

5 the rest of the team continued down the creek. W04 Peterson was

6 positioned third behind two Alameda County deputies. He was not sure

7 how many Santa Clara County deputies were in front of his team due to

8 his position. W04 Peterson was advised by a hand signal from W07 Pope

9 to stop. W04 Peterson then heard a single gun shot. He said it

10 sounded like it came from in front of him but did not know who fired.

11 After a short pause (approximately a few seconds), he heard someone

12 from the top of the right ridge yell, ¿He¿s got a gun! He¿s got a

13 rifle! He¿s in the brush above you!¿

14

15 W04 Peterson, W07 Pope, and W09 Mora pushed forward for cover within

16 the choke point area of the creek. W04 Peterson looked up towards the

17 right ridge and saw V01 Dibert approximately 15 feet above him. He

18 saw V01 Dibert¿s long rifle pointed across the creek towards the

19 North bank. He saw a second Santa Clara County deputy standing behind

20 V01 Dibert but could not see who it was.

21

22 W04 Peterson then heard someone shout, ¿Drop the gun! Drop the gun!¿

23 He saw V01 Dibert fire his long rifle several times. W04 Peterson¿s

24 view of the top of the left ridge was obstructed by a large rock and

25 could not see who V01 Dibert was firing at. He then heard either V01

26 Dibert or V02 Fontana yell, ¿He¿s in the deadfall tree!¿ W04 Peterson

27 looked up to the left ridge at saw a large brushy area with a ¿grey

28 looking dead tree¿.

29 W04 Peterson instructed W05 Farruggia and W09 Mora to move up the

30 creek 25 meters to hold a perimeter in case the possible suspects

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1 fled. W04 Peterson saw a couple of Santa Clara County deputies and
2 W07 Pope struggling to climb the left embankment. He then heard V01
3 Dibert say, ¿Go slow guys, go slow. I can¿t see him now. I can¿t see
4 him.¿ He then heard either V01 Dibert or V02 Fontana say, ¿There he
5 is I see him. I see him. Where¿s the rifle!¿ W04 Peterson looked back
6 towards the deputies who were climbing the ridge and noticed they
7 were in a ¿four o clock position¿ with the ¿dead fall tree¿ (suspect
8 location). W04 Peterson repositioned himself with W05 Farruggia and
9 W09 Mora to get a better view of the top of the left ridge.

10
11 W04 Peterson heard the suspect making noises (moaning) similar to
12 someone in pain. W04 Peterson sent W06 Lydon (Tactical Medic for
13 Alameda County Sheriff¿s Office) up the left ridge to assist. He said
14 the deputies began to form a perimeter around the area where the
15 suspect was last seen. W04 Peterson heard V03 Damigo telling the
16 suspect, ¿Don¿t move! Don¿t move! Stop moving!¿ He then heard someone
17 say, ¿He¿s putting his hands in the brush! He¿s reaching for
18 something!¿ W04 Peterson saw V03 Damigo fire several rounds in the
19 vicinity of the ¿dead fall tree¿. He also heard someone yell, ¿Manos
20 Arriba (hands up in Spanish)!¿ W04 Peterson was not sure if he heard
21 the Spanish command before or after V03 Damigo fired. The suspect was
22 then secured and medical attention was administered.

23
24 Shortly after W04 Peterson was advised the suspect died as a result of
25 his injuries.

26
27
28 W04 Peterson said he did not know anything about the suspect prior to
29 the shooting. He was approximately 30 feet away from the suspect in
30 the creek. W04 Peterson never saw the suspect. He was told the

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1 suspect had a rifle (without a scope) and that it was right next to
2 him (suspect). He did not remember who told him the information
3 regarding the suspect and the weapon. W04 Peterson didn't hear the
4 suspect say anything. He only heard him moan. I asked him if he heard
5 anyone identify themselves as law enforcement officers to the
6 suspect. He could not recall when, but said he heard someone yell
7 out, ¿Sheriff's Office!¿

8
9 Prior to the shooting W04 Peterson said he was on alert because
10 marijuana grows are usually guarded by armed subjects. After the
11 shots were fired W04 Peterson reverted to his training. Once it was
12 determined no accidental discharge occurred, they moved to cover and
13 followed the contingency plan. He gave instructions to his team
14 members and made sure they were all safe. Due to the actions of the
15 deputies on scene, W04 Peterson felt the suspect's intent was to hurt
16 or kill members of his team. He said the suspect was in a perfect
17 position to ambush them. W04 Peterson said the only reason for the
18 suspect to be on that side of the ridge was to ambush someone. There
19 were no paths or trails due to the incline and terrain. W04 Peterson
20 said he believed the suspect intended to harm someone today because
21 he had a gun and took a position of advantage. W04 Peterson did not
22 fire his service weapon.

23
24 W04 Peterson used a Satellite phone to contact Alameda County Dispatch
25 to advise them of the incident.

26
27 INVESTIGATION CONTINUED:

28
29 On July 22, 2010, at approximately 0005 hours, I obtained the
30 following statement from W07 Pope.

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STATEMENT OF WITNESS 07 DEREK POPE:

W07 Pope was accompanied by his Attorney _____ and Alameda County Sheriff's Office representative Deputy Josh Armijo. I advised W07 Pope that he was a witness and not under arrest. He did not have to answer any questions he was not comfortable with, and he was free to leave at any time. W07 Pope understood and agreed to speak to me.

W07 Pope has been employed with the Alameda County Sheriff's Office for the past 20 years. He is currently assigned to the Airport Police Service Unit. He is also a member of the Alameda County Sheriff's Office S.W.A.T Unit and a firearms instructor for the department. I asked W07 Pope if he could tell me what type of training has he received related to this type of incident. W07 Pope has prior military training, Basic police academy training, and advanced tactical training. He recently attended a 40 hour training course related to Marijuana Eradication.

W07 Pope said all team members attended a briefing at the Livermore Police Department prior to the incident. W04 Peterson gave a briefing of the operations plan to both teams (Alameda County, Santa Clara County). The rules of engagement and contingency plan were reviewed. They had no suspect information.

W07 Pope's assignment was point leader for the Alameda County team. He was behind the Santa Clara County team approximately 25 yards. They were following a water stream when he was signaled by the rear

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1 security Santa Clara County team member to stop. W07 Pope did not
2 have a radio to communicate with the Santa Clara County team. He
3 moved up closer to hear and relay any radio traffic from the Santa
4 Clara County team. As he approached the rear deputy (approximately 10
5 feet) W07 Pope heard a single gun shot. Prior to the shot he heard
6 one of the deputies from Santa Clara County who was on top of the
7 right ridge identify a suspect. The deputy told the team the suspect
8 had a rifle. The deputy then gave verbal commands to the suspect to
9 drop the rifle. When W07 Pope heard the shot he thought the suspect
10 may have fired. W07 Pope said when they engage an armed suspect with
11 a rifle they always do a ¿double tap¿ (two shots). After the shot he
12 heard what sounded like someone rustling in the bushes up on the left
13 ridge. The deputies on the right ridge were telling W07 Pope and the
14 team they had lost sight of the suspect on the left ridge. W07 Pope,
15 V03 Damigo, and another deputy moved up to the right flank. As they
16 were trying to climb up the hill the dirt and rocks were crumbling
17 underneath them. The deputies on the right ridge were yelling
18 directions to them as they were attempting to climb the ridge. The
19 deputy then yelled he had a visual on the suspect and began giving
20 verbal commands. W07 Pope then heard several gun shots. As W07
21 reached a location on the ridge that became to steep, he told V03
22 Damigo he was going to hold his position while V03 Damigo and W01
23 Amaro continued up. W07 Pope said he believed the suspect was very
24 close to them based on the movement sounds he was hearing. W07 Pope
25 said V01 Damigo and W01 Amaro were approximately 10 feet above him
26 and were able to see the suspect in the brush. He then heard V03
27 Damigo giving verbal commands not to move and drop the gun. W07 Pope
28 saw V03 Damigo fire approximately three or four rounds.

29

30 Due to the rough terrain, W07 Pope was having some difficulty getting

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1 up the remainder of the ridge. When he reached the top, he saw the
 2 suspect lying on his back on the ground with his hands above his
 3 head. The suspect was thrashing around with his hands in the bushes.
 4 W07 Pope saw a rifle on the suspect's left hand side out of the
 5 suspect's reach. W07 Pope did not know if V03 Damigo had moved the
 6 rifle out of the suspect's reach. The suspect continued to reach into
 7 the bushes with his hands. W07 Pope was concerned the suspect may
 8 have been reaching for another weapon. W07 Pope said he, V03 Damigo,
 9 and W01 Amaro were giving the suspect verbal commands not to move.
 10 The suspect ignored there commands and continued reaching into the
 11 bushes. W07 Pope and W01 Amaro reached down and placed flex cuffs on
 12 the suspect. At that time W06 Lydon arrived on the scene. W07 Pope
 13 assisted V03 Damigo in providing cover for W01 Amaro and W06 Lydon.
 14 W01 Amaro and W06 Lydon pulled the suspect out of the brush and
 15 administered medical attention to the suspect.
 16
 17 W07 Pope said he remembered as he was approaching the suspect he heard
 18 someone running through the bushes away from them. W07 Pope believes
 19 it may have been a second suspect. He advised (yelled out) the other
 20 deputies on scene of a possible second suspect.
 21
 22 I asked W07 Pope if he remembered anyone giving verbal commands in
 23 Spanish to the suspect. W07 Pope did not remember hearing any
 24 commands in Spanish. W07 Pope said he wasn't sure but he thinks when
 25 they were in the creek before they went up the ridge he may have
 26 heard W09 Mora give commands in Spanish.
 27
 28 I reconfirmed with W07 Pope that he assisted in taking the suspect
 29 into custody. W07 Pope said he gave his flex cuffs to W01 Amaro. W06
 30 Lydon arrived on the scene and assisted W01 Amaro in taking the

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1 suspect into custody. W07 Pope did not assist in hand cuffing the
 2 suspect. While W01 Amaro and W06 Lydon administered medical attention
 3 to the suspect, W07 Pope focused his attention in the direction of
 4 where he heard the second possible suspect run off. W07 Pope said
 5 approximately five minutes later W01 Amaro pronounced the suspect
 6 dead.

7
 8 W07 Pope described the suspect as a Hispanic male adult in his late
 9 twenties. He was wearing a camouflage shirt and blue jeans. The
 10 suspect was also wearing a jail style red necklace with a small red
 11 cross. W07 Pope said the only thing he knew about the suspect prior
 12 to the shooting was that he had a rifle. W07 Pope was approximately
 13 30 yards from the suspect at the time of the shooting. W07 Pope never
 14 heard the suspect say anything, but heard him ¿groaning¿. W07 Pope
 15 did not say anything to the suspect. W07 Pope heard the deputies from
 16 across the ridge, V03 Damigo, and someone speaking Spanish giving
 17 verbal commands to the suspect. I asked him if anyone identified
 18 themselves as Law Enforcement to the suspect. W07 Pope said when
 19 they were down in the creek bed he heard someone yell ¿Sheriff¿s
 20 Office!¿

21
 22 I asked W07 Pope how he felt before and after the shots were fired.
 23 W07 Pope said he felt surprised that they had encountered someone so
 24 soon. He felt they were still a good distance from marijuana grow.
 25 The teams never made it to marijuana grow. After the shots were fired
 26 W07 Pope was concerned and had a fear of being killed. W07 Pope felt
 27 he was at a disadvantage because the suspect was elevated above the
 28 ridge He did not think the suspect was firing at him, but thought he
 29 was firing at the deputies on the right ridge. W07 Pope felt the
 30 suspect was going to ambush them and had no doubt in his mind the

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1 suspect intended to harm them. W07 Pope did not fire his service
 2 weapon.

3

4 INVESTIGATION CONTINUED:

5

6 On July 22, 2010, at approximately 0059 hours, I obtained the
 7 following statement from W06 Lydon.

8

9 STATEMENT OF WITNESS 06 KEITH LYDON:

10

11 W06 Lydon was accompanied by his Attorney _____ and Alameda
 12 County Sheriff's Office representative Deputy Patrick Smyth. I
 13 advised W06 Lydon that he was a witness and not under arrest. He did
 14 not have to answer any questions he was not comfortable with, and he
 15 was free to leave at any time. W06 Lydon understood and agreed to
 16 speak to me.

17

18 W06 Lydon has been employed with the Alameda County Sheriff's Office
 19 for the past five years. He is currently assigned to the patrol
 20 division working night shift. He is also a member of the Alameda
 21 County Sheriff's Office S.W.A.T Unit. I asked W06 Lydon if he could
 22 tell me what type of training he had received related to this type of
 23 incident. W06 Lydon has prior basic police academy training and
 24 tactical training. He has seven years of Emergency Medical Technician
 25 experience, and has participated in prior marijuana eradication
 26 assignments for his department.

27

28 W06 Lydon said his department had an operations plan for today's
 29 incident. He believes Santa Clara County had an operations plan for
 30 their team. W06 Lydon reviewed his operation plan during the team

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1 briefing before the incident. W06 Lydon said the rules of engagement
 2 were reviewed.
 3
 4 For today's assignment W06 Lydon was assigned as the team's tactical
 5 medic for a marijuana scout. The team had received information from
 6 the N3 Cattle Ranch of a waterline located on the property. Due to
 7 prior marijuana grows located on the property, they believed there
 8 maybe a new marijuana grow.
 9
 10 After arriving at the ranch, both teams were escorted to the landing
 11 point on the ranch property. Both teams then set out on foot to
 12 locate the waterline. W06 Lydon was the second to last man in the
 13 'stack' (formation). They located the waterline and followed it
 14 through the creek. After approximately ¾ of a mile, he was hand
 15 signaled by the lead deputy to stop. W06 Lydon noticed the creek was
 16 beginning to bottle neck into a narrow opening. W06 Lydon then heard
 17 a single shot. He did not know if the gun shot came from one of the
 18 team members or someone else. Based on W06 Lydon's training and
 19 experience, he knows that marijuana grows are normally guarded by
 20 armed guards. W06 Lydon tried to get cover and wanted to see if
 21 anyone was injured. As they moved forward W06 Lydon heard several
 22 more gun shots. He also heard someone say, 'Got one suspect, possibly
 23 has a rifle'. W06 Lydon also heard and saw Santa Clara County
 24 deputies from the top of the right ridge giving commands.
 25
 26 He heard them say, 'He has a rifle'. W06 Lydon believes he heard
 27 someone say, 'He's down'. W06 Lydon did not know if the suspect was
 28 injured or hiding down in the brush. W06 Lydon also heard commands
 29 being given in Spanish. W06 Lydon said he heard something about
 30 'Manos'. W06 Lydon knows 'Manos' is Spanish for hands.

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1

2 W06 Lydon was instructed by W04 Peterson to provide rear coverage for

3 the team. W06 Lydon noticed a Santa Clara County deputy already

4 covering the rear and proceeded up the left ridge to assist. While he

5 was scaling the ridge he passed W02 Moore and W07 Pope. W06 Lydon

6 could hear the suspect moaning and knew he was close. He also heard

7 there were possibly more suspects because someone heard movement to

8 the east of them. W06 Lydon could hear the deputies on the top of the

9 ridge yelling to the suspect to keep his hands up. He also heard them

10 say, ¿He¿s reaching for something¿ several times. W06 Lydon then

11 heard several more gun shots above him at the top of the ridge. When

12 W06 Lydon made it to the top of the ridge, he saw W01 Amaro, V03

13 Damigo, and the suspect. W06 Lydon and W01 Amaro approached the

14 suspect and placed him into custody. As he approached the suspect W06

15 Lydon noticed a bolt action rifle to the left of the suspect. During

16 the pat search W06 Lydon located a buck knife on the suspect¿s belt.

17 W06 Lydon and W01 Amaro turned the suspect around, elevating his head

18 up the hill and administered medical attention. They placed Asherman

19 Chest shields on the suspect¿s chest injuries. W06 Lydon said the

20 suspect died shortly after and was pronounced dead by W01 Amaro. W06

21 Lydon covered the suspect with a burn sheet.

22

23 W06 Lydon did not have any information on the suspect prior to the

24 shooting. W06 Lydon was approximately 15 yards from the suspect when

25 V03 Damigo fired his service weapon. W06 Lydon said the suspect had a

26 bolt action rifle. He did not say anything to the suspect. W06 Lydon

27 did not hear the suspect say anything. He only heard him moan. W06

28 Lydon thinks he heard someone identify themselves as law enforcement

29 officer but was not sure.

30

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1 Prior to any shots being fired, W06 Lydon stated he felt aware of his
2 surroundings. While the shots were fired W06 Lydon felt scared at
3 first because he didn't know where the shots came from. He stated,
4 "This is a shitty place for an ambush". After the shots were fired
5 W06 Lydon felt a little anxiety. He didn't know where the suspect
6 was, or how many suspects there were. He didn't know what type of
7 weapons the suspect(s) had.

8
9 W06 Lydon thought the suspect was going to shoot them. He said the
10 suspect was at an advantage being positioned at the top of the ridge.
11 The suspect had a perfect opportunity to ambush them. W06 Lydon felt
12 the suspect was going to harm someone today.

13
14 W06 Lydon did not fire his service weapon at the suspect. W06 Lydon
15 described the suspect as a Hispanic male adult, 5'8"; 160 pounds with
16 a faded shaved head and goatee. He had a medium completion. He was
17 wearing a camouflage shirt, blue jeans, brown shoes, and a brown belt
18 with a buck knife carrying case. He had a red colored fabric necklace
19 around his neck.

20
21 Before the interview ended, W06 Lydon said that it is customary for
22 the team to identify themselves as law enforcement officers to any
23 suspects they come into contact with. W06 Lydon believes it was
24 announced by someone during the beginning of the incident.

25
26 INVESTIGATION CONTINUED:

27
28 On August 4, 2010 at approximately 0850 hours, I contacted W01 Amaro
29 via telephone for some follow up questions related to his original
30 statement.

OFFICER'S NAME Quinonez, Julian	ID NUMBER 1644	DATE 09/08/10 755	SHIFT/DAYS OFF Days SSM	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/16/10 1659	PAGE 21	OF 26
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1

2 **SECOND STATEMENT OF WITNESS ONE DOUG AMARO:**

3

4 I asked W01 Amaro if it would be ok with him if I asked him a few

5 follow up questions. W01 Amaro said, ¿Yeah, that¿s fine¿. W01 Amaro

6 said in his original statement when he was in the creek he looked up

7 and saw the suspect on the left ridge. I asked W01 Amaro what made

8 him look up at the left ridge. W01 Amaro said he heard footsteps. I

9 asked W01 Amaro if he could tell me how the suspect was carrying the

10 rifle. W01 Amaro was not sure if the suspect was carrying it at low

11 shoulder or in his hand. He did not remember if the suspect pointed

12 the rifle at anyone. I asked W01 Amaro why he thought the suspect

13 would shoot at him. W01 Amaro said the suspect was standing in direct

14 sunlight peering down trying to look through the shadows at them. W01

15 Amaro felt the suspect could have fired at them because they were in

16 a wide open area. I asked W01 Amaro how much time passed between the

17 first and second shot. W01 Amaro said he could not recall exactly how

18 much time past. He thinks approximately 15 seconds passed by between

19 the first and second shot.

20

21 W01 Amaro said the suspect kept reaching into a bush above his head.

22 The suspect then turned and reached quickly into the bushes. I asked

23 W01 Amaro if the suspect was reaching into the same bush or a

24 different bush. W01 Amaro said it was the same bush above his head.

25 W01 Amaro said the bush was inches away from the suspect¿s reach. W01

26 Amaro stated in his original statement that V03 Damigo fired two

27 rounds. I asked him if he saw the rounds strike the suspect. W01

28 Amaro said he did not see if the rounds hit the suspect but the

29 suspect stopped moving.

30

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1 I asked W01 Amaro where exactly was he standing when V03 Damigo fired.

2 W01 Amaro said he was standing right next to him on his left side. He

3 thinks V03 Damigo was in a kneeling or sitting position when he shot

4 because they were slipping due to the loose gravel. The suspect was

5 approximately 10 feet away.

6

7 After the shots were fired W01 Amaro placed his firearm in the low

8 ready position while V03 Damigo provided cover. V03 Damigo said they

9 were going to move up to handcuff the suspect. V03 Damigo said he was

10 going to position himself between the rifle and the suspect while W03

11 Amaro and an Alameda County deputy handcuffed the suspect. V03 Damigo

12 gave the order ¿Let¿s do it¿. V03 Damigo approached first and

13 positioned himself approximately 10 feet from the suspect to provide

14 cover. W01 Amaro then moved up and grabbed both of the suspect¿s

15 hands. An Alameda County deputy approached W01 Amaro and assisted

16 placing handcuffs on the suspect. While W01 Amaro was handcuffing the

17 suspect W03 Damigo stated, ¿There¿s the rifle¿. I asked W01 Amaro

18 when V03 Damigo stated ¿there¿s the rifle¿, did he (W01 Amaro) see

19 the rifle. W01 Amaro said he was busy with the suspect and didn¿t

20 look towards the rifle. W01 Amaro stated after he finished providing

21 medical attention V03 Damigo again stated, ¿There¿s the rifle¿. W01

22 Amaro said that¿s when he saw the rifle on the ground.

23

24 W01 Amaro was not sure if the rifle was in front of V03 Damigo or

25 behind him. W01 Amaro said the rifle was on the right side just past

26 the bush that the suspect was reaching for. I asked W01 Amaro if he

27 did anything with the rifle. W01 Amaro said he did not do anything

28 with it and did not know if V03 Damigo did anything with it. I asked

29 W01 Amaro if the rifle was ever moved. W01 Amaro said he did not

30 think it was ever moved.

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1

2 I asked W01 Amaro if he heard the suspect say anything when he took

3 him into custody. W01 Amaro said he did not hear the suspect say

4 anything. I asked W01 Amaro if he moved the suspect. W01 Amaro said

5 they spun (turned around) the suspect 180 degrees to elevate his

6 head during medical treatment. I asked W01 Amaro where was he

7 standing when they first saw the suspect on the top of the ridge. W01

8 Amaro said he and V03 Damigo were standing shoulder to shoulder. I

9 asked W01 Amaro how long it took them to get up the ridge. W01 Amaro

10 estimated it took them around 30 to 40 seconds.

11

12 In W01 Amaro's original statement he stated he thought the suspect was

13 reaching for a gun causing him to fear for his life. I asked W01

14 Amaro if he feared for his life, why did he not fire his service

15 weapon to protect himself. W01 Amaro said that when they were giving

16 the suspect commands to put his hands up, W01 Amaro was putting his

17 finger on the trigger to shoot. He heard V03 Damigo's shots and

18 removed his finger from the trigger.

19

20 INVESTIGATION CONTINUED:

21

22 On August 10, 2010, at approximately 0945 hours, I contacted (via

23 telephone) the Manager of the N3 Cattle Ranch W10 and

24 obtained the following statement.

25

26 STATEMENT OF WITNESS 10 :

27

28 W10 is the current Ranch Manager for the N3 Cattle Ranch. He

29 has been employed with ranch for the past 19 years and the manager

30 for the last seven years. W10 said the ranch is 52,000 acres

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1 predominantly used to run cattle. Earlier this year the ranch
 2 reopened its hunting club for deer, boar, dove, and quail. The
 3 hunting club was shut down approximately five years ago due to
 4 finances. W10 said the hunting club is by invitation only.
 5

6 W10 said there are five employee cabins on the property. Two
 7 are located at the entrance to the ranch and three are located a mile
 8 and a half up the road. W10 has one employee that assists him
 9 in the day to day operations of the ranch. The ranch has 14 cabins
 10 scattered on the property for the hunting club. There are six
 11 privately owned partials on the ranch. A 17,000 acre partial is
 12 rented to a for cattle use.
 13

14 I asked W10 if he could tell me what he reported to the
 15 Alameda County Sheriff's Office. W10 said he located a
 16 waterline in Sycamore Creek on the ranch. He recognized the waterline
 17 to be associated with marijuana grows from prior experience. He
 18 immediately reported the waterline to the Alameda County Sheriff's
 19 Office. Sycamore Creek is located in a remote area on the ranch. W10
 20 has not seen anyone in that area in the last 19 years that he
 21 has worked on the ranch. W10 has seen waterlines like this in
 22 the past on the property and has reported them to the Sheriff's
 23 Office. In the past two years, the Sheriff's Office has located and
 24 eradicated two marijuana grows.
 25

26 I asked W10 how big of a problem have the marijuana grows been
 27 for the ranch. W10 said it has not been a big problem for
 28 him. None of the cabins have been broken into and no employees have
 29 been harassed. W10 is afraid that one day while doing his job
 30 he may ride into a marijuana grow and possibly be confronted. I asked

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1 **W10 if he had ever been confronted by anyone associated to a**

2 **prior grow. W10 said he was never confronted.**

3

4 **End of report.**

5

6 **P.L.E.O&S**

7

8 **Sergeant J. Quinonez #1644 Supplemental report.**

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. <h1 style="margin:0;">10-202-0038E</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 White	M <input checked="" type="checkbox"/> F <input type="checkbox"/>	DOB	AGE	HT	WT
	Deputy Brett Moore					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 confidential			CITY/STATE	ZIP	PHONE			DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS Santa Clara Co. Sheriff 55 W. Younger Av			CITY/STATE San Jose, Ca	ZIP 95110	PHONE (408) 808-4400			SSN			
VICTIM INFORMATION: <input checked="" 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											

W03	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)					RACE White	M <input checked="" type="checkbox"/> F <input type="checkbox"/>	DOB	AGE	HT	WT
	Sergeant John Spagnola					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 confidential			CITY/STATE	ZIP	PHONE			DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS Santa Clara Co. Sheriff 55 W. Younger Av			CITY/STATE San Jose, CA	ZIP 95110	PHONE (408) 918-3329			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											

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Davis, Nellie	1751	09/02/10 1540	II SSM	Pugh, Jr., Luther C.	1343	09/16/10 1420	1	19

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1 Supplemental Report

2 Sheriff's Office Case # 10-202-0038E

3

4 ATTACHMENTS:

5

6 Hand drawn map by W-03 Sergeant Spagnola

7 Hand drawn map by W-02 Deputy Moore

8

9 INVESTIGATION:

10

11 On 07/21/10, at approximately 1030 hours Sergeant Jose Cardoza and I
 12 returned to Sheriff's Office Headquarters after teaching a gang
 13 class. Upon our arrival in the back parking lot we learned that an
 14 officer involved shooting had occurred. We immediately made contact
 15 with the Investigations team, who had gathered in the briefing room
 16 at headquarters, in order to see how we could be of assistance.

17

18 At the briefing it was determined Sgt. Paula McAllister would be the
 19 lead investigator and would be driving out to the scene of the
 20 officer involved shooting off Mines Road in Livermore in Santa Clara
 21 County. I was tasked with remaining at Headquarters and facilitating
 22 their arrival with the victims and witnesses in order to conduct
 23 interviews.

24

25 At about 1830 hours, I received a call from Sgt. Leon that they were
 26 en-route to Headquarters with the victims and witnesses. Upon their
 27 arrival Sgt. Leon escorted the victims and witnesses to separate
 28 waiting rooms so that they could meet with their attorneys prior to
 29 being interviewed.

30

OFFICER'S NAME Davis, Nellie	ID NUMBER 1751	DATE 09/02/10 1540	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/16/10 1420	PAGE 2	OF 19
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1 At about 2215 hours all the victims and witnesses had met and spoken
 2 with their attorneys. We began the interview process.

3
 4 At approximately 2225 hours I made contact with Witness-02 Deputy
 5 Moore #1908 and obtained the following synopsisized statement. The
 6 statement was recorded both on video and a digital recorder. (Please
 7 refer to the digital recording to hear the statement in its
 8 entirety.)

9
 10 STATEMENT OF WITNESS-02 DEPUTY BRETT MOORE:

11
 12 I advised W-02 Moore that he was not the subject of an investigation
 13 and that he was free to leave any at any time. W-02 Moore stated he
 14 understood.

15
 16 W-02 Moore told me he was hired by the Santa Clara County Sheriff's
 17 Office seven years ago. He is currently assigned to the Patrol
 18 Division as the Rural Crimes Deputy. In the last two and half years
 19 as the Rural Crimes Deputy he has participated in multiple marijuana
 20 eradication hikes. Prior to his employment with the Santa Clara
 21 County Sheriff's Office, he worked for Moffett Field as a Federal
 22 Security Officer for one and half years.

23
 24 W-02 Moore told me the night before, on 07-20-10, he had Mexican food
 25 and two beers for dinner. He went to bed at 9 p.m. because he had to
 26 be at work at five in the morning the next day. W-02 Moore was going
 27 to assist the Marijuana Eradication Team on a potential marijuana
 28 garden.

29
 30 On 07-21-10, W-02 Moore arrived at Sheriff's Office Headquarters at

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1 five in the morning and met with W-03 Sgt. Spagnola, V-01 Deputy
2 Dibert, V-02 Deputy Fontana, V-03 Deputy Damigo, and W-01 Reserve
3 Deputy Amaro. They had a quick briefing and handed out Operational
4 Plans for the day. They were to rally with Alameda County Sheriff's
5 Office at the Livermore Police Department for a larger briefing and
6 details of the hike.

7
8 At approximately 0515 hours they carpooled together to the Livermore
9 Police Department. At the Livermore Police Department they were
10 briefed on the details of the hike by a Sergeant from the Alameda
11 County Sheriff's Office. The Sergeant advised their agency had been
12 contacted by a rancher about a possible marijuana grow that bordered
13 the Alameda County and Santa Clara County line. They were going to
14 do an expedition hike in the area identified by the rancher. They
15 went over topographical maps, operational plan, and the possible
16 location of the marijuana grow.

17
18 After briefing they drove to the site and arrived there about 10 a.m.
19 When they arrived they realized they were closer to the Santa Clara
20 County line, so a decision was made to break up into two teams. One
21 team consisted only of Santa Clara County Deputies and the other team
22 only of Alameda County Deputies. The Alameda County Team was to be
23 support to the Santa Clara County team.

24
25 V-03 Damigo lead the hike, followed by V-01 Dibert, V-02 Fontana, W-03
26 Spagnola, W-01 Amaro, and W-02 Moore. Following behind them was the
27 Alameda County Team. W-02 Moore relayed information to the Alameda
28 County Team since they did not have radio communication with the
29 Santa Clara County Team.

30

OFFICER'S NAME Davis, Nellie	ID NUMBER 1751	DATE 09/02/10 1540	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/16/10 1420	PAGE 4	OF 19
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1 They were about ten minutes or so into their hike when they
 2 encountered a creek area. W-02 Moore heard someone from the Santa
 3 Clara County Team advise over the radio that they had spotted an
 4 irrigation pipe. W-02 Moore relayed the radio traffic to the Alameda
 5 County Team, and they all proceeded to follow the pipe Eastbound on
 6 the trail.

7
 8 Somewhere further down the trail, the pipe started to climb alongside
 9 the Southern hillside in-between a canyon. On the East side of the
 10 canyon was sheer rock and on the West side of the canyon was a hill.

11
 12
 13 V-02 Fontana, V-01 Dibert, and W-03 Spagnola followed the irrigation
 14 pipe up on the hill while they held their positions before following
 15 along. V-03 Damigo, W-01 Amaro, and W-02 Moore remained below, with
 16 the Alameda County Team behind them.

17
 18 W-02 Moore suddenly heard a broadcast over the radio advising everyone
 19 to stop. W-02 Moore gave the hand signal to the Alameda County Team
 20 to stop. (W-02 Moore explained that marijuana eradication hikes are
 21 high risk; and the likelihood of encountering armed suspects that are
 22 confrontational is very high. For the safety of the team, they move
 23 along their hike as quietly as possible in order to not give away
 24 their location to suspects who are willing to use violence to protect
 25 their marijuana grow.) A second broadcast was given over the radio
 26 that they had heard movement around them, and everyone stopped and
 27 listened to locate where it was coming from.

28
 29 W-02 Moore looked to his left and saw a person sixty to seventy feet
 30 above him walking Westbound. W-02 Moore quickly got on the radio and

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1 communicated very softly to the rest of the team what he saw. At that
2 exact moment others were broadcasting over the radio that they
3 spotted a suspect, and he heard a Deputy near him announce he saw the
4 suspect with a rifle. W-02 Moore turned to the Alameda County Team
5 and signaled to them that one suspect had been spotted carrying a
6 rifle. W-02 Moore was pointing toward the suspect location when he
7 heard a gunshot coming from above him to his right. W-02 Moore
8 wasn't sure if he or his partner had been shot at, or if the shot
9 came from the suspect or the Deputies.

10

11 W-02 Moore then heard many people yelling in English and Spanish. He
12 heard, ¿Manos¿, ¿Put your hands up¿, ¿Police¿, and ¿Sheriff¿s Office¿
13 being shouted.

14

15 W-02 Moore took a position of cover to his left, at the bottom of the
16 hillside, and pointed his rifle up towards the location where he last
17 saw the suspect. The shouting continued all around him.

18

19 W-02 Moore then saw V-03 Damigo move towards the location of the
20 suspect. W-02 Moore, W-01 Amaro, and an Alameda County Deputy
21 followed V-03 Damigo up the steep hillside. Upon arrival at the top
22 of the hillside W-02 Moore took a position 12 feet from V-03 Damigo
23 and W-01 Amaro in order to give them cover as they approached the
24 suspect.

25

26 W-02 Moore could hear the suspect moaning but did not have a visual on
27 him from his position. W-02 Moore could hear them yell four to ten
28 times, ¿Put your hands up. Don't move.¿ W-02 Moore also heard them
29 mention a ¿4-10 shotgun¿. W-02 Moore heard them continue to tell the
30 suspect not to move and put his hands up. W-02 Moore then heard

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1 additional shots, possibly two or more.

2

3 Two Alameda County Deputies arrived at his location and posted in a
 4 position above him to provide cover. W-02 Moore remained in his
 5 position for about ten minutes or more. He could hear V-03 Damigo
 6 attempting to use the Satellite phone to call in for rescue for the
 7 suspect. At the same time W-02 Moore heard W-01 Amaro pronounce
 8 death at 1025 hours.

9

10 V-03 Damigo was unable to communicate with County Communications via
 11 the satellite phone. A decision was made that V-02 Fontana, W-02
 12 Moore, and an Alameda County Deputy would hike back to their
 13 vehicles, call for help, and mark the trail with crime scene tape so
 14 that incoming units would be able to find their location. When they
 15 arrived to the rally point where their vehicles were located, they
 16 encountered two Alameda County Deputies on off road motorcycles that
 17 had become aware of the incident.

18

19 V-02 Fontana and the Alameda County Deputy returned to the incident
 20 location while W-02 Moore remained with the vehicles at the rally
 21 point. A communication network was set up to relay information from
 22 the deputies on scene to W-02 Moore who would relay the information
 23 to County Communications and Alameda County via the off road
 24 deputies.

25

26 Lt. Morrissey arrived on scene as well as Sergeant Vasquez and Deputy
 27 De La Pena. W-02 Moore briefed Lt. Morrissey on the incident and a
 28 decision was made to call out the Sheriff's Emergency Response Team.

29

30

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1 W-02 Moore remained at the rally point until he was relieved from his
 2 post hours after the incident. W-02 Moore then moved to the command
 3 post where he waited to be contacted by the Investigations Division.

4
5

6 I asked W-02 Moore the date of his last range qualification. W-02
 7 Moore told me he qualified in the first half of 2010 with his Glock
 8 22, AR15, and his Glock 27.

9

10 INVESTIGATION CONTINUED:

11

12 I asked W-02 Moore if he could draw a picture of the incident
 13 location. W-02 Moore completed the drawing. W-02 Moore had marked
 14 his location at the incident and the location of the other team
 15 members on the drawing. W-02 Moore also marked the suspect location.
 16 W-02 Moore signed and dated the drawing.

17

18 I made a photo copy of the drawing and booked the original into
 19 evidence.

20

21 INVESTIGATION CONTINUED:

22

23 I concluded my interview with W-02 Moore. I provided him with my
 24 contact information and advised him he was free to give me or Sgt.
 25 McAllister a call if he had any other recollections of the
 26 incident.

27

28 At approximately 2225 hours I made contact with Witness-03 Sergeant
 29 John Spagnola and obtained the following synopsisized statement. The
 30 statement was recorded both on video and a digital recorder. (Please

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1 refer to the digital recording to hear the statement in its
 2 entirety.)

3

4 **STATEMENT OF WITNESS-03 SERGEANT JOHN SPAGNOLA:**

5

6 I advised W-03 Spagnola that he was not the subject of an
 7 investigation and that he was free to leave any at any time. W-03
 8 Spagnola stated he understood.

9

10 W-03 Spagnola told me that he has been employed with the Santa Clara
 11 County Sheriff's Office for the last thirteen years. He has held the
 12 position of Range Master for the last five years. Prior to his
 13 employment with the Sheriff's Office, W-03 Spagnola worked at the
 14 Santa Clara County Department of Corrections for ten years.

15

16 W-03 Spagnola told me that on 07-20-10, he finished work at 1700
 17 hours. He went home and had dinner at about 1800 hours. He ate
 18 dinner and had one margarita drink with dinner. He went to bed at
 19 around 2100 hours since he had an early marijuana eradication hike
 20 the next day. He got up around 0330 hours, took a shower, and
 21 arrived at Sheriff's Office Headquarters at around 0430 hours.

22

23 At the Sheriff's Office Headquarters parking lot he met up with V-03
 24 Damigo and they loaded up the truck with the equipment they needed
 25 for the hike. Soon after V-01 Dibert, V-02 Fontana, W-01 Amaro, and
 26 W-02 Moore arrived and met up with them. At about 0515 hours, they
 27 got in their vehicles and carpooled over Livermore Police Department
 28 where they were to meet with Alameda County Deputies for a briefing.

29

30

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1 When they arrived at Livermore Police Department, they met up with
2 W-04 Sgt. Peterson. W-04 Sgt. Peterson briefed the entire group
3 regarding the operation. W-04 Sgt. Peterson advised them that a
4 rancher had reported finding an irrigation pipe on his property. Due
5 to prior history with marijuana grows on his property the rancher
6 reported the finding to the police. The operation involved them
7 hiking out to the location of the found pipe and investigating
8 whether or not there was a marijuana grow.
9 W-04 Sgt. Peterson also went over rules of engagement, safety issues,
10 and exchange of contact information.
11
12 I asked W-03 Spagnola if this was his first marijuana eradication
13 hike. W-03 Spagnola told me that he had been on numerous hikes over
14 the years, and due to his experience, he is aware that marijuana
15 eradication hikes are high risk. Through his training and
16 experience, he has seen that armed suspects tend marijuana gardens.
17 Based on his experience the suspects arm themselves to protect their
18 crops from other growers, dangerous animals, and law enforcement.
19 Over the last few years he has seen a rise in violent confrontations
20 from those individuals tending the marijuana gardens. Since the
21 marijuana is worth a lot of money, the gardeners tending the garden
22 will defend their crops with violent confrontations.
23
24 It is for that reason that they discussed each agency's use of force
25 policy, safety, and rules of engagement. They broke up into teams
26 composed of members of their respective agencies.
27
28 They drove to the N3 Ranch and met up with the rancher .
29 showed W-04 Sgt. Peterson on a map the location one of his ranch
30 hands found the irrigation pipe on the ranch. explained it was

OFFICER'S NAME Davis, Nellie	ID NUMBER 1751	DATE 09/02/10 1540	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 09/16/10 1420	PAGE 10	OF 19
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REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 remote and he would guide them in as far as he could on the road and
2 then they would hike the rest of the way. They got in their trucks
3 and followed the rancher on a dirt road for about ten miles.
4
5 When they arrived to an open dirt area got out of his truck and
6 pointed to the direction of the trail. told them to follow the
7 trail and they would find the irrigation pipe along the trail.
8
9 They all put their gear on and broke into their respective teams. The
10 Santa Clara County Team would lead the hike followed by the Alameda
11 County Team. At the front of the Santa Clara County Sheriff's Office
12 Team was V-01 Dibert followed by V-02 Fontana, W-03 Spagnola, V-03
13 Damigo, W-01 Amaro, and W-02 Moore.
14
15 They started their hike and followed the trail as directed by Ken.
16 About 150 yards into the trail, they found a black irrigation pipe.
17 They inspected the irrigation pipe and found that it had running
18 water inside of it. This indicated to them the irrigation pipe was
19 being used on a marijuana garden. They followed the irrigation pipe
20 another 100 yards to see where it would lead them.
21
22 As they proceeded further into the trail, he heard V-02 Fontana put
23 out over the radio that he heard movement. W-03 Spagnola also heard
24 movement and a branch break. W-03 Spagnola immediately knew that
25 humans made the sounds rather than animals because animals will step
26 over branches and not break them. W-03 Spagnola was not sure if the
27 sound came from the Alameda Team below him or from V-01 Fontana or
28 V-03 Damigo above him. They all stopped and listened.
29
30 W-03 Spagnola then heard someone say, 'There's somebody on the hill.'

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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 W-03 Spagnola thought they mentioned it was at his three o'clock
 2 position so he turned to his right to look for the subject. W-03
 3 Spagnola did not see anyone to his right. He turned back and saw
 4 V-01 Dibert and V-02 Fontana looking to their right (which was his
 5 left). W-03 Spagnola looked in the direction they were looking and
 6 he still couldn't see the subject.

7

8 W-03 Spagnola heard someone say, "He's got a rifle." He turned to
 9 find him but still could not see him. W-03 Spagnola heard a round go
 10 off and about five seconds later saw a man from the chest up across
 11 the canyon through a break in the canopy. W-03 Spagnola could not see
 12 the subject's hands so he continued to watch him. The male subject
 13 did not appear to have been struck by the gunfire. W-03 Spagnola
 14 yelled at him, "Put your hands up, put your hands up." W-03 Spagnola
 15 heard others also yell at the subject to put his hands up in both
 16 English and Spanish. The male subject complied and put his hands up.
 17 It was then that W-03 Spagnola saw the male subject had a dark
 18 object in his left hand, but he was not sure what it was. W-03
 19 Spagnola put it out over the radio that he saw something in the male
 20 subject's hand. The male subject then proceeded to put his hands
 21 down. W-03 Spagnola yelled at the male subject repeatedly to put his
 22 hands back up. The male subject began to motion that he was going to
 23 put his hands up in the air but then proceeded to drop them again.
 24 The male subject was told over ten times to put his hands up. The
 25 male subject put his hands up again and then once more brought them
 26 down. It is then that W-03 Spagnola heard several additional shots
 27 fired from his right side. W-03 Spagnola assumed the shots came from
 28 V-01 Dibert and V-02 Fontana.

29

30 W-03 Spagnola told me that from his point of view he could not

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 identify anything in the male subject's hands that was a threat.

2 W-03 Spagnola stated that he could only see the male subject from the

3 chest up because he was behind brush. After the third or fourth time

4 the male subject brought his hands down. W-03 Spagnola then heard

5 shots fired from his right and saw the male subject go down. W-03

6 Spagnola yelled, "Suspect down, suspect down." W-03 Spagnola could

7 now only see the male subjects leg on the ground and his leg was

8 moving.

9

10 W-03 Spagnola yelled out, "He's moving, he's moving. Covering.

11 Covering." W-03 Spagnola heard the team down by the creek yell that

12 they were moving towards the male subject. W-03 Spagnola continued

13 to yell that he could see the male subject moving.

14

15 W-03 Spagnola saw V-03 Damigo move up high behind the male subject.

16 W-03 Spagnola saw the male subject raise his right hand up and down.

17 He did not see anything in his hand because his movement was too

18 quick. At the same time he heard V-03 Damigo yell, "Don't move, stop

19 moving, stop moving." W-03 Spagnola stated that after the third time

20 he heard V-03 Damigo yell at the male subject to stop moving he

21 heard, "Boom boom boom boom." W-03 Spagnola stated he didn't know if

22 it was three or four shots but he did know that it was several shots.

23 W-03 Spagnola saw that the male subject continued to move even after

24 the shots were fired for at least thirty seconds.

25

26 At that point W-03 Spagnola heard V-03 Damigo asking additional units

27 to move up to his location and cover the male subject. W-03 Spagnola

28 advised that he was, "Going cold" because he did not want to have a

29 friendly fire situation. At the same time V-01 Dibert and V-02

30 Fontana mentioned that they had heard movement ahead of them and

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 across the canyon where the male subject was. They all held their
 2 positions and provided cover to the units with the male subject.
 3
 4 W-03 Spagnola stated after the male subject was handcuffed the
 5 deputies pulled the male subject further up the hill since he was
 6 sliding down hillside on the steep canyon. W-03 Spagnola asked V-03
 7 Damigo to use the satellite phone to get the male subject first aid
 8 and call for an air lift. W-03 Spagnola saw that W-01 Amaro had
 9 moved to the male subject and was giving him first aid while V-03
 10 Damigo attempted to use the satellite phone to call for help. V-03
 11 Damigo was able to use the satellite phone enough to call CHP for
 12 assistance, communicate with Santa Clara County Communications, and
 13 advise them of the incident before his phone failed.
 14
 15 W-03 Spagnola took a leadership role and requested that V-02 Fontana
 16 use his satellite phone to call Lt. Havig of the Sheriff's Emergency
 17 Response Team and advise him of the situation. Once all the
 18 notifications were made W-03 Spagnola requested V-02 Fontana and W-02
 19 Moore hike out to the trucks and drive to the rally point in order to
 20 guide the responding units to their location.
 21
 22 W-03 Spagnola admonished those remaining on scene not talk to each
 23 other about the incident. He instructed V-03 Damigo to cover the
 24 trail they hiked in on to avoid any suspects coming up behind them.
 25 He instructed V-01 Dibert to cover the area where additional movement
 26 had been heard when the incident occurred. W-03 Spagnola put up
 27 crime scene tape in the area that V-01 Dibert and V-02 Fontana had
 28 shot from. W-03 Spagnola found a spent casing and marked it's
 29 location in order to be collected later. When Sgt. Lehman from SERT
 30 arrived on scene he instructed him to put up crime scene tape around

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 the male subject.

2

3 I asked W-03 Spagnola if anyone had visually seen the additional
 4 suspects. W-03 Spagnola stated they only heard the movement of
 5 additional suspects on both sides of the canyon but did not see
 6 them.

7

8 I asked W-03 Spagnola since he was wearing a SERT T-shirt if he was a
 9 member of the SERT team. W-03 Spagnola told me he has been a member
 10 of the SERT team for the last thirteen years, of which he has been
 11 the team leader of the Sniper team for the last six years. Part of
 12 his role as the Team Leader of the Sniper team is to provide training
 13 on tactical tracking to the members of his sniper team and to
 14 surrounding SWAT teams.

15

16 I asked W-03 Spagnola to explain how to identify the movement of a
 17 human to that of an animal in the field. W-03 Spagnola told me that
 18 Blue Jays will act as an alarm system upon seeing something move.
 19 They will begin to alert one another of the movement by chirping
 20 loudly. The Blue Jays are not alarmed by the movement of other
 21 animals that are common to them but rather by the presence of foreign
 22 entities such as humans. W-03 Spagnola further stated that squirrels
 23 will also give out a high pitch squeal to other squirrels to alert
 24 them of the presence of humans. For these reasons when the animals
 25 give out these signals it is alerting those tending the garden that
 26 there is someone approaching, for these reasons they as the marijuana
 27 eradication team, must be on high alert for danger.

28

29 W-03 Spagnola further stated that when he heard W-01 Amaro pronounced
 30 death on the male subject, he cancelled the CHP air unit. W-03

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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Spagnola advised that once he found out the male subject was deceased
 2 he knew he had to maintain the body in place for the coroner,
 3 detectives, and crime scene investigators who would be coming in to
 4 investigate the crime scene.

5
 6 I asked W-03 Spagnola to explain to me how W-01 Amaro was able to
 7 pronounce death on the male subject. W-03 Spagnola told me W-01
 8 Amaro is a certified paramedic with the fire department. W-01 Amaro
 9 is also a member of the SERT team as the SERT medic and has attended
 10 the basic SWAT school, and Medic SWAT school. It is for these
 11 reasons that when he heard W-01 Amaro pronounce death on the male
 12 subject he cancelled the first aid to the scene and began to preserve
 13 the scene for investigators.

14
 15 W-03 Spagnola stated he knew it was going to take a while before they
 16 were relieved from the crime scene. Therefore he instructed the
 17 members on scene to stay out of the sun but maintain a position of
 18 cover. About an hour-and-a-half passed when they heard radio
 19 transmissions that SERT had arrived and were coming in to the scene
 20 soon. They prepared themselves to be relieved from the crime scene.
 21 W-03 Spagnola told me that once enough SERT members arrived to their
 22 location and secured it, he pulled everyone that had been in the
 23 shooting out and hiked to the location of the trucks.

24
 25 When they arrived to their trucks, he saw that there were a few
 26 Alameda County SOAR units. They remained with their trucks and
 27 waited for detectives to arrive on scene. W-03 Spagnola once again
 28 admonished everyone not to talk to one another about the shooting.

29
 30

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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 After a few hours Sgt. McAllister and Sgt. Alanis arrived with about
 2 five CSI detectives. They were then escorted from their location to
 3 a small command post and waited to be transported to the Sheriff's
 4 Office.

5
 6 I asked W-03 Spagnola when he qualified with his weapons. W-03
 7 Spagnola told me he qualified the first half of the year so he is
 8 current with his qualifications.

9
 10 I asked W-03 Spagnola how many shots he heard coming from his right
 11 when the shooting started. W-03 Spagnola told me that heard one
 12 shot. He then saw the male subject standing across the ridge from
 13 him. When he focused on the male subject he saw the man was wearing
 14 the same camo pattern T-shirt that Alameda Deputies were wearing.
 15 W-03 Spagnola put out over the radio, "I think it's an Alameda
 16 Officer." W-03 Spagnola then realized that the male subject was not
 17 any of the Alameda Deputies that were with him on the hike. It was
 18 then that he heard additional shots go off. W-03 Spagnola then heard
 19 someone come on the radio and advise that the male subject had a
 20 rifle. W-03 Spagnola told me that from his position he could not see
 21 a rifle in the male subject's hands, but several people were putting
 22 that information on the radio.

23
 24 I asked W-03 Spagnola if he heard the male subject vocalize anything.
 25 W-03 Spagnola answered, "No."

26
 27 INVESTIGATION CONTINUED:

28
 29 I asked W-03 Spagnola if he could draw a picture of the incident
 30 location. W-03 Spagnola completed the drawing. W-03 Spagnola had

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 marked his location at the incident and the location of the other
 2 team members on the drawing. W-03 Spagnola also marked the suspect
 3 location. W-03 Spagnola signed and dated the drawing.

4
 5 I made a photo copy of the drawing and booked the original into
 6 evidence.

7
 8 **INVESTIGATION CONTINUED:**

9
 10 I concluded my interview with W-03 Spagnola. I provided him with my
 11 contact information and advised him he was free to give me or Sgt.
 12 McAllister a call if he had any other recollections of the
 13 incident.

14
 15 **EVIDENCE:**

16
 17 I made copies of the maps and booked the original maps drawn by W-02
 18 Moore and W-03 Spagnola into evidence at the Sheriff's Office
 19 evidence locker.

20
 21 I was given the original copies of the video recording of W-02 Moore
 22 and W-03 Spagnola. I booked the digital video recording into
 23 evidence at the Sheriff's Office evidence locker.

24
 25 **End of Report.**

26
 27 **Sgt. N. Davis #1751 - Supplemental**

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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

WO	Deputy Brett Moore Santa Clara County Sheriff's Office	<input type="checkbox"/> STATE OF CA.	Res: confidential RPh: BPh: (408) 808-4400 Bus: 55 W. Younger Avenue, San Jose, CA	<h2 style="margin: 0;">Office of the Sheriff</h2> <h2 style="margin: 0;">Santa Clara County</h2> <p style="margin: 10px 0 0 0;">55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
WO	Sergeant John Spagnola Santa Clara County Sheriff's Office		Res: confidential RPh: BPh: (408) 918-3329 Bus: 55 W. Younger Avenue, San Jose, CA	

55 West Younger Avenue
San Jose CA 95110
(408) 808-4500

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	<h3 style="margin: 0;">LOCATION</h3> <h2 style="margin: 0;">BAR CODE</h2> <p style="margin: 0;">Bar code</p>
1	E	W02	1	drawing			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

Investigations interview room 0 147674

DESCRIPTION **Drawing from W-02 Moore of incident location**

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<h3 style="margin: 0;">LOCATION</h3> <h2 style="margin: 0;">BAR CODE</h2> <p style="margin: 0;">Bar code</p>
2	E	W03	1	drawing			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

Investigations interview room 0 147675

DESCRIPTION **Drawing from W-03 Spagnola of incident location**

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<h3 style="margin: 0;">LOCATION</h3> <h2 style="margin: 0;">BAR CODE</h2> <p style="margin: 0;">Bar code</p>
3	E		0	recording			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

HQ interview room 0 147676

DESCRIPTION **Video recording of W-02 Moore and W-03 Spagnola interview**

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
--	------------	-------------------------------	-----------------------	-------------

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
---	---------------------------	--------------

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
---	-----------------------	-------------

<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
Davis, Nellie	1751	09/02/10 1540	II SSM	Pugh, Jr., Luther C.	1343	09/16/10 1420	19	19

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. <h1 style="margin: 0;">10-202-0038E</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 <input checked="" type="checkbox"/>	F <input type="checkbox"/>	DOB	AGE	HT	WT
	Dibert Cregg					White						
	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		
Santa Clara County Sheriff's Office			San Jose, CA	95110	(408) 808-4400							
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE			SSN				
55 West Younger			San Jose, CA	95110	(408) 808-4400							
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												

V03	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA					RACE	M <input checked="" type="checkbox"/>	F <input type="checkbox"/>	DOB	AGE	HT	WT
	Damigo Michael					White						
	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		
Santa Clara County Sheriff's Office			San Jose, CA	95110	(408) 808-4400							
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE			SSN				
55 W. Younger			San Jose, CA	95110	(408) 808-4400							
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												

W05	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA					RACE	M <input checked="" type="checkbox"/>	F <input type="checkbox"/>	DOB	AGE	HT	WT
	Farruggia Matthew					Unknown						
	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		
Alameda County Sheriff's Office			Oakland, CA	94612	(510) 667-3600							
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE			SSN				
1401 Lakeside Drive / 12th Floor			Oakland, CA	94612	(510) 667-3600							
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												

W08	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA					RACE	M <input checked="" type="checkbox"/>	F <input type="checkbox"/>	DOB	AGE	HT	WT
	Ortiz Marco					Hispani						
	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		
Alameda County Sheriff's Office			Oakland, CA	94612	(510) 667-3600							
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE			SSN				
1401 Lakeside Drive / 12th Floor			Oakland, CA	94612	(510) 667-3600							
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												

W09	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA					RACE	M <input checked="" type="checkbox"/>	F <input type="checkbox"/>	DOB	AGE	HT	WT
	Mora Gustavo					Hispani						
	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		
Alameda County Sheriff's Office			Oakland, CA	94612	(510) 667-3600							
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE			SSN				
1401 Lakeside Drive / 12th Floor			Oakland, CA	94612	(510) 667-3600							
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 McAllister, P.	ID NUMBER 1706	DATE 08/31/10 1115	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/03/10 1320	PAGE 1	OF 40
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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 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) Penaloza-Soto Jose	RACE Hispani	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 (CI#)
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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"/>						

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1 **ASSOCIATED CASES:**

- 2
- 3 **Alameda County Sheriff's Office: 10-012826 and 10-012400**
- 4 **Santa Clara County Coroner's Office: 10-02292**

5

6 **ATTACHMENTS:**

- 7
- 8 **Scout Plan prepared by V03 Deputy Damigo**
- 9 **Operations Plan prepared by W09 Deputy Mora**
- 10 **Alameda Report 10-012826 with two supplemental reports**
- 11 **Alameda Report 10-012400**
- 12 **Copy of the autopsy report for blood, property and physical evidence**
- 13 **Discs containing interview with V01 Deputy Dibert from July 21, 2010**
- 14 **Discs containing interview with V02 Deputy Fontana from July 21,**
- 15 **2010**
- 16 **Discs containing interview with V03 Deputy Damigo from July 22, 2010**
- 17 **Discs containing interviews with V01 Deputy Dibert, V02 Deputy Fontana**
- 18 **and V03 Deputy Damigo from August 4, 2010**
- 19 **Discs containing interviews with W02 Deputy Moore and W03 Sergeant**
- 20 **Spagnola**
- 21 **Disc containing interview with W01 Deputy Amaro**
- 22 **Disc containing interview with W04 Sergeant Peterson**
- 23 **Disc containing interviews with W06 Deputy Lydon and W07 Deputy Pope**
- 24 **Disc containing interview with W01 Amaro by Sergeant McAllister**
- 25 **Disc containing interview with O01 , O02**
- 26 **o and O03**
- 27 **Disc containing video footage of crime scene by Deputy Cardoza**
- 28 **Disc containing photographs of crime scene taken by Deputy Shaheen**
- 29 **Disc containing photographs taken at Coroner's Office by Deputy**
- 30 **Tracey**

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1 Disc containing photographs of S01 Penalzoza-Soto's pants (dried) taken
 2 by Deputy Tracey
 3 Disc containing photographs taken by Deputy Vandegraaf at the command
 4 post
 5 Disc containing photographs of crime scene taken by Deputies Breuss
 6 and Harrington
 7 Disc of calls made to Santa Clara County Communications

8

9 INVESTIGATION:

10

11 On July 21, 2010, I was a member of the Santa Clara County Sheriff's
 12 Office Robbery/Homicide Unit. At approximately 1040 hours, I
 13 received a telephone call from Sergeant Alanis. He stated I needed
 14 to return to the Sheriff's Office because the Sheriff's Office
 15 Marijuana Eradication Team (M.E.T.) had been involved in a shooting
 16 while on a scouting mission near Livermore.

17

18 I arrived at the Sheriff's Office at approximately 1058 hours, and
 19 joined a briefing that was being given by Lieutenant D. Rodriguez.
 20 Lieutenant Rodriguez stated that Santa Clara County and Alameda
 21 County Sheriff's Office deputies had been investigating marijuana
 22 cultivation in the area of Mines Road near the county line. While
 23 hiking, deputies encountered a suspect who was subsequently shot and
 24 killed. It was believed the incident occurred in Santa Clara County
 25 and that the involved officers were from the Santa Clara County
 26 Sheriff's Office. However, because of the deputies' remote location,
 27 they were having trouble communicating with anyone about details of
 28 the incident.

29

30 The eradication team consisted of six Alameda County Deputies (unknown

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1 names at that time) and six Santa Clara County Deputies. The Santa
 2 Clara County deputies were identified as Deputy Dibert (V01), Deputy
 3 Fontana (V02), Deputy Damigo (V03), Deputy Amaro (W01), Deputy Moore
 4 (W02) and Sergeant Spagnola (W03).

5
 6 I learned that Deputies Chilton, Enright, Randall and Sheridan were on
 7 their way to the area to assist. The California Highway Patrol's
 8 helicopter and the Santa Clara County Sheriff's Office SERT team were
 9 preparing to go to the area to search for possible outstanding
 10 suspects.

11
 12 After the meeting ended, I conferred with Sergeant Leon. Sergeant
 13 Leon informed me that he had already notified the Santa Clara County
 14 District Attorney's Office and the Santa Clara County Coroner's
 15 Office and briefed them on the facts known at the time. Sergeant Leon
 16 also gave me a copy of the "scout plan" that had been prepared by V03
 17 Damigo. Attached to the plan were several maps of the proposed
 18 hiking area.

19
 20 Based on the maps attached to the scout plan, it was decided that the
 21 command post would be located at the intersection of Mines Road and
 22 Del Puerto Canyon Road. Operations at the command post were to be
 23 handled by Captain Unger.

24
 25 I then met with the Santa Clara County Crime Scene Unit members:
 26 Deputy Allen, Deputy Shaheen, Deputy Vandegraaf, Deputy Cardoza,
 27 Deputy Tracey and Deputy Harrington. It was established that Deputy
 28 Allen would be the lead for the Crime Scene Unit. He advised me that
 29 he had contacted the Santa Clara County Crime Laboratory and
 30 requested their assistance with the processing of the crime scene.

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1 For further details regarding the crime scene processing see Deputy
2 Allen's report.

3
4 Sergeant Leon then advised me that he had talked with Investigator
5 Reyes from the District Attorney's Office and he and Lieutenant
6 Sterner were going to meet us at the command post. Sergeant Leon
7 also informed me that he had left messages for County Counsel
8 Investigator L. Davis informing him of the incident.

9
10 It was decided that the investigative team (Sergeant Leon, Sergeant
11 Elder, Sergeant Alanis and I) would respond to the command post while
12 Sergeant Davis stayed at the Sheriff's Office to prepare for the
13 interviews. Sergeant Davis also contacted Sergeant Dutra, President
14 of the Santa Clara County Deputy Sheriff's Association and informed
15 him of the incident.

16
17 The investigative team left the Sheriff's Office at approximately 1210
18 hours and drove to the command post. At approximately 1213 hours, I
19 contacted Santa Clara County Communications and requested the
20 communications tapes associated to the incident. While en-route to
21 the command post, it was decided that its location would be changed
22 from Mines Road to the Del Valle Regional Park in Livermore.

23
24 The investigative team arrived at the Del Valle Regional Park at
25 approximately 1320 hours and was escorted to the campground by Deputy
26 Chilton and Deputy Enright. When I arrived at the campsite, I met
27 with Sergeant Dudek from the Alameda County Sheriff's Office. He and
28 several deputies were stationed at the campsite, where they had
29 access to a land-line telephone. He briefed me on the details known
30 at the time, which were essentially that several members of the

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1 Sheriff's Office SERT team had entered the crime scene area and begun
 2 their tactical operation.

3
 4 Shortly after I arrived, the Sheriff's Office Command vehicle and the
 5 CSI van arrived. I had them set up the command post in a dirt
 6 parking lot approximately thirty yards from the campground. The
 7 Alameda deputies stayed at the campground for our continued access to
 8 the telephone, as there was no cell phone or radio communication
 9 available at Del Valle.

10
 11 At approximately 1400 hours, Deputy Allen and I had a briefing for the
 12 investigative and CSI teams. We discussed the investigative plan we
 13 had formulated based on the known information.

14
 15 At approximately 1425 hours, Sergeant Dickson from the Alameda County
 16 Sheriff's Office Homicide Unit arrived. With him were Detective
 17 Smyth, Detective Armijo and Detective Gonzales, also with the
 18 Homicide Unit. I briefed him on the known facts and our
 19 investigative plan. Sergeant Dickson was assigned by the Alameda
 20 County Sheriff's Office to shadow the Santa Clara County Sheriff's
 21 Office investigation and act as a liaison between the two agencies.

22
 23 Sergeant Dickson provided me the names of the Alameda personnel
 24 present on the marijuana eradication detail. The Alameda team
 25 members were: Sergeant Peterson (W04), Detective Ortiz (W08),
 26 Detective Mora (W09), Sergeant Farruggia (W05), Deputy Lydon (W06)
 27 and Deputy Pope (W07). He then provided me a copy of the Operations
 28 Plan prepared by Detective Mora (W09).

29
 30 At 1445 hours, Investigator Reyes and Lieutenant Sterner from the

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1 District Attorney's Office arrived at the Command Post and were given
 2 a briefing.

3
 4 Once Lieutenant Doty arrived on scene, he coordinated the Sheriff's
 5 Office helicopter (STAR 1) taking aerial photographs and video of the
 6 crime scene. See Deputy Gonzalez' supplemental report for additional
 7 information regarding the recordings.

8
 9 At approximately 1514 hours, Lieutenant Morrissey arrived at the
 10 command post. Lieutenant Morrissey had been at the crime scene
 11 organizing the Sheriff's Office SERT operation.

12
 13 At 1515 hours, Deputy Lundin, County Counsel Investigator, arrived and
 14 joined the briefing that was being given by Lieutenant Morrissey.
 15 Lieutenant Morrissey stated there were at least two outstanding
 16 suspects, however, based on the terrain and lack of personnel there
 17 was not an active search for the suspects. Lieutenant Morrissey
 18 stated that his personnel had not made it into any of the marijuana
 19 grows but had information from the helicopter there were at least
 20 six.

21
 22 At the end of the briefing, it was decided that the CSI and
 23 investigative teams would be allowed to enter the crime scene. The
 24 CSI team was to begin their evidence collection, with a focus on
 25 getting the suspect out of the crime scene. The investigative team
 26 was going to escort the involved deputies to the command post, where
 27 they would be photographed and then transported the Santa Clara
 28 County Sheriff's Office for the investigative interviews.

29
 30 At approximately 1600 hours, the investigative team, several members

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1 of the CSI team, of the Crime Lab and Investigator Reyes
 2 left the command post en-route to the staging area. The staging area
 3 was the location where the involved deputies had parked their
 4 vehicles. That point was approximately twelve miles from the command
 5 post and could be accessed through the use of four wheel drive
 6 vehicles only.

7
 8 At approximately 1700 hours, we encountered W01 Amaro, W02 Moore, and
 9 the Alameda deputies driving themselves back to the command post.
 10 They had not heard the transmission from Lieutenant Morrissey
 11 advising them to remain at the staging area for our arrival. They
 12 stated V01 Dibert, V02 Fontana, V03 Damigo and W03 Spagnola were
 13 following behind them. According to W01 Amaro, the suspect's body
 14 was probably not retrievable this night because of the dangerous
 15 terrain. Based on that information, I had Sergeant Leon, Sergeant
 16 Elder and Sergeant Quinonez turn their vehicles around and follow the
 17 deputies back to the command post.

18
 19 At approximately 1711 hours, the remaining members of the
 20 investigative team arrived at the staging area, where we located V01
 21 Dibert, V02 Fontana, V03 Damigo and W03 Spagnola. They were standing
 22 outside of their vehicle. They explained that prior to leaving they
 23 had heard the transmission from Lieutenant Morrissey and so they
 24 waited for our arrival.

25
 26 I conferred briefly with V01 Dibert to determine what officers had
 27 been involved in the shooting. V01 Dibert told me that he had fired
 28 his weapon along with V02 Fontana and V03 Damigo. He stated that he
 29 and V02 Fontana had marked their shooting positions with orange tape.
 30 V01 Dibert believed that V03 Damigo also marked his shooting

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1 position but was not sure.

2

3 W03 Spagnola then informed me that the crime scene was a twenty to
4 thirty minute hike and that based on the location of the body, he did
5 not believe that the body would be retrievable this day. The suspect
6 was lying on a hillside with a steep forty to fifty degree incline
7 and the ground cover was loose shale.

8

9 Based on this information I had Deputy Tracey, Deputy Cardoza and
10 Deputy Harrington escort the deputies back to the command post. I
11 asked them to brief Captain Pugh of the situation and explain the
12 reasons for leaving the suspect in place overnight.

13

14 At approximately 1730 hours, Deputy Allen, Criminalist ,
15 Sergeant Alanis, Investigator Reyes and I decided to hike to the
16 crime scene to take some initial photographs and see what equipment
17 would be needed the next day. As we started I noticed that the path
18 was marked by strips of yellow crime scene tape. We arrived at the
19 crime scene at approximately 1754 hours. Securing the crime scene
20 when we arrived were Sergeant Cannon, Sergeant Vasquez, Sergeant
21 Lehmann, Sergeant Simonson and Deputy Delapena. I saw an area was
22 roped off by yellow crime scene tape. Inside the tape was a smaller
23 area roped off with orange tape. Sergeant Lehmann said M.E.T.
24 members had strung up the orange tape and then SERT members had
25 strung up the yellow crime scene tape. Across a creek bed there was
26 another area marked off by yellow crime scene tape. Inside this tape
27 was what appeared to be a blue tarp. I was told that the suspect's
28 body was underneath the tarp. From my position, I was unable to see
29 the shooting position of V03 Damigo, which was on the same hillside
30 as the suspect's body.

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1

2 Sergeant Lehmann explained that he had strung the yellow crime scene
3 tape and had almost fallen down the hillside twice while doing it,
4 reiterating the dangerousness of the suspect's location. However,
5 Sergeant Lehmann and Sergeant Vasquez escorted Deputy Allen and
6 Criminalist to the area, where photographs were taken by
7 Criminalist . Criminalist also located a shell casing,
8 which he left for collection by team personnel the next day.

9

10 I also learned that no one had seen or looked for the marijuana grows
11 as they were securing the crime scene. All investigative team
12 members left the crime scene at approximately 1830 hours. We arrived
13 at the staging area at around 1851 hours and were met by a couple of
14 Alameda deputies on motorcycles and three members of the Santa Clara
15 County Search and Rescue Team. The Search and Rescue Team had been
16 asked to assist in the removal of the suspect's body. We exchanged
17 information and then they headed to the crime scene to assess it.

18

19 At approximately 1858 hours the investigative team left the staging
20 area en-route back to the command post. At approximately 1927 hours,
21 while driving back to the command post, we met with Deputy Cardoza,
22 Deputy Tracey and Deputy Harrington, who were going back to the crime
23 scene with some additional Search and Rescue Team members. They had
24 been instructed by Captain Pugh to try and remove the suspect's body.
25 I therefore requested Deputy Allen and Criminalist go back to
26 the crime scene as well and document everything that was done.

27

28 At approximately 1956 hours, Sergeant Alanis, Investigator Reyes and I
29 arrived back at the command post. I met with Captain Pugh and we
30 exchanged information. He stated that the coroner's investigator was

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1 going to be flown by helicopter to the crime scene to see the suspect
2 prior to his removal. I learned that Sergeant Leon, Sergeant Elder
3 and Sergeant Quinonez had left the command post with some of the
4 involved officers at around 1804 hours. Sergeant Alanis,
5 Investigator Reyes and I left the command post for the Sheriff's
6 Office after conferring with Captain Pugh.

7
8 While driving to the Sheriff's Office, I called Sergeant Leon and
9 exchanged information. He told me that the last involved officers
10 had just arrived and that (legal
11 defense fund attorneys for the Santa Clara County deputies) were in
12 the process of conferring individually with the Sheriff's Office
13 deputies. There was also an attorney meeting individually with the
14 Alameda deputies. The remaining deputies were being monitored by
15 Sheriff's Office Personnel in the third floor conference room.

16
17 I arrived at the Sheriff's Office at approximately 2105 hours and
18 checked on the status of the attorney interviews so I could ascertain
19 when the investigative interviews could begin. Also at the Sheriff's
20 Office when I arrived were Lieutenant Peterson, Sergeant Oberst,
21 Deputy Lundin, Lieutenant Avila from the District Attorney's Office,
22 and Investigator Vizzusi from the District Attorney's Office.

23
24 After I arrived, I met with Alameda Sergeant Dickson. He explained
25 that several of the Alameda deputies (W05 Farruggia, W09 Mora and W08
26 Ortiz) had not seen any portion of the shooting and had only heard
27 verbal commands being given. Based on this, I allowed those officers
28 to leave with the understanding that they would be completing a
29 written report (Alameda Report 10-012826). I determined that the
30 remaining deputies (W04 Peterson, W06 Lydon and W07 Pope) needed to

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1 be interviewed as they had more detailed information.

2

3 At 2140 hours, I held an investigative briefing with Lieutenant
 4 Camarda, Sergeant Leon, Sergeant Elder, Sergeant Quinonez, Sergeant
 5 Davis, and Sergeant Alanis. I assigned Sergeant Davis and Sergeant
 6 Quinonez the task of interviewing the non-shooting deputies.

7 Sergeant Alanis and I were planning on interviewing V01 Dibert and
 8 V03 Damigo while Sergeant Elder and Sergeant Leon were planning on
 9 interviewing V02 Fontana.

10

11 At 2215 hours, I talked with Deputy Allen. He explained that Search
 12 and Rescue had not been able to remove the suspect's body before
 13 dark, therefore, the CSI and Crime Lab personnel were going to meet
 14 with Search and Rescue members and the Coroner Investigator at 0700
 15 hours on July 22, 2010 to continue processing the crime scene. See
 16 CSI reports for information regarding crime scene processing.

17

18 After the completion of the attorney interviews, released
 19 the other attorneys and decided to be present for all the
 20 investigative interviews. Therefore, Sergeant Alanis and I conducted
 21 interviews with V01 Dibert, V02 Fontana and V03 Damigo, while
 22 Sergeant Elder and Sergeant Leon coordinated other aspects of the
 23 investigation.

24

25 On July 21, 2010 at approximately 2250 hours, Sergeant Alanis and I
 26 interviewed V01 Dibert. Also present in the interview were
 27 Investigator Vizzusi from the Santa Clara County District Attorney's
 28 Office and attorney . The
 29 interview was audio and video recorded. Following is a synopsis of
 30 the interview.

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1

2 **STATEMENT OF VICTIM CREGG DIBERT:**

3

4 V01 Dibert confirmed he understood he was not under arrest and was

5 making a voluntary statement as a witness to a criminal

6 investigation. V01 Dibert stated that he had conferred with his

7 attorney and was ready to begin the interview.

8

9 V01 Dibert is employed at the Santa Clara County Sheriff's Office as a

10 deputy sheriff. He has been so employed for the last eleven years.

11 He is currently assigned to the Sheriff's Office Marijuana

12 Eradication Team (M.E.T.). He began that assignment in 2003. V01

13 Dibert has been a member of the Sheriff's Office SERT team for the

14 last seven years and for the last five years has been assigned as a

15 member of the SERT sniper team.

16

17 V01 Dibert had been at home with his family relaxing on the four days

18 prior to beginning work on July 21, 2010. On July 21, 2010, he

19 arrived at the Sheriff's Office at approximately 0400 hours. V03

20 Damigo was already at the Sheriff's Office when V01 Dibert arrived.

21 The remainder of the team arrived sometime between 0400 and 0500

22 hours. Once at the Sheriff's Office, V01 Dibert and V03 Damigo got

23 their equipment ready for the marijuana eradication detail. V03

24 Damigo gave a "scout plan" to the appropriate personnel. V03 Damigo

25 prepared a scout plan instead of a full operations plan as Alameda

26 had the most information and so they were preparing the operations

27 plan. However, the scout plan contained maps of the area, a list of

28 involved deputies, and what radio frequency they would be using to

29 talk amongst themselves.

30

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1 Once the remainder of the deputies arrived they traveled to Livermore
 2 Police Department to meet the deputies from the Alameda County
 3 Sheriff's Office. Once at Livermore Police Department there was a
 4 briefing given by Alameda County Sergeant Peterson (W04). He also
 5 distributed their operations plan.

6
 7 During the briefing, W04 Peterson explained that he had received a
 8 call from a worker at the N3 Ranch about some black plastic water
 9 pipe that had been located. The worker was investigating missing
 10 cattle when he located the piping. The worker associated the piping
 11 to possible marijuana cultivation from prior experience and therefore
 12 contacted the Alameda County Sheriff's Office. Subsequently Alameda
 13 deputies contacted Santa Clara County M.E.T. for assistance as the
 14 ranch had land in both counties. Also included in the briefing was a
 15 discussion of previous marijuana eradication details on the N3 ranch
 16 and details about how they were to execute the operation, which
 17 included meeting with N3 Ranch employees who would direct them to the
 18 area where the piping was located. Lastly they discussed contingency
 19 plans for emergencies and how each agency would comply with their own
 20 use of force policies.

21
 22 V01 Dibert has been on two previous marijuana eradication operations
 23 on the N3 Ranch. One of the operations was in 2009 and the second
 24 was in 2008. During the 2008 operation the team made an arrest of an
 25 armed suspect. Both of these previous operations had been conducted
 26 in different locations on the ranch.

27
 28 After the briefing, all personnel traveled to the N3 Ranch and met
 29 with the ranch hands. They followed the ranch hands to the general
 30 area where the piping had been located. While en-route to the ranch,

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1 V03 Damigo called Santa Clara County Communications to advise them of
2 the eradication. V01 Dibert also believed that V03 Damigo contacted
3 the patrol supervisor and notified him of the eradication.
4
5 Once everyone arrived in the area, they parked the vehicles and
6 decided that personnel would break into two teams by agency, with the
7 Santa Clara County deputies in the front as the grow was believed to
8 be in their jurisdiction. V03 Damigo was the assigned "case agent"
9 from the Sheriff's Office and decided the order for personnel as the
10 hike began. He assigned V01 Dibert and V02 Fontana as the "point"
11 people. Behind them were Sergeant Spagnola (W03) and V03 Damigo.
12 Behind V03 Damigo were Deputy Amaro (W01) and Deputy Moore (W02) in
13 an unknown order. Following them were the members of the Alameda
14 County Sheriff's Office. Prior to beginning their hike, the teams
15 conducted a radio check to verify that all personnel could
16 communicate via their police radios. The Santa Clara County deputies
17 were all able to communicate however, the Alameda radios were not all
18 compatible with Santa Clara County's radios. Some were able to hear
19 only and others were able to hear and talk.
20
21 Once the team found the black piping they followed it along the dry
22 creek bed of the Sycamore Creek. Next to the stream bed they located
23 a small trail and began to follow the trail. The trail began to go
24 uphill along the south side of the creek bed. V01 Dibert, V02 Fontana
25 and W03 Spagnola followed that path while the remainder of the team
26 stayed in the creek bed. From their position on the hillside, V01
27 Dibert was unable to see the deputies in the creek bed but could hear
28 them moving.
29
30 While up on the hill, V01 Dibert and V02 Fontana heard some noises

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1 ahead of them in the woods. V01 Dibert said that later he and V02
2 Fontana agreed they believed the noise to be at least one person
3 running in an easterly direction away from them. V01 Dibert told the
4 rest of the team via his police radio that they had heard people
5 running. The remainder of the team then stopped moving. When they
6 stopped, V02 Fontana was approximately five yards in front of V01
7 Dibert. Therefore, V01 Dibert began to look to his left and right for
8 anything or anyone else that could harm them.

9

10 V01 Dibert said the next thing he remembered was hearing V02 Fontana
11 say that he had a suspect (who was later identified at S01 Jose
12 Penaloza-Soto) located on the opposite ridge (north side of Sycamore
13 Creek). V02 Fontana also said the suspect had a rifle. V01 Dibert
14 looked to his left and saw the suspect approximately fifty to sixty
15 yards from him. He saw the suspect was a Hispanic male adult wearing
16 a tan short sleeved shirt with a baseball cap. At that time, V01
17 Dibert and V02 Fontana were located in a shaded area surrounded by
18 foliage while S01 Penaloza-Soto was in an open area. However,
19 because of the foliage there were times that V01 Dibert lost sight of
20 the suspect as the suspect moved.

21

22 The suspect was moving to the west while the eradication team was
23 moving in an easterly direction. V01 Dibert moved around a bit to
24 get a better look at the suspect and see what he was doing and to
25 confirm he was armed. When V01 Dibert regained sight of S01
26 Penaloza-Soto, using the optic on his AR-15 rifle, the suspect was
27 partially covered by branches. However, V01 Dibert could see the
28 suspect's shirt, hat and a reflection of metal that he believed to be
29 a rifle in front of his shoulder. V01 Dibert believed S01
30 Penaloza-Soto had raised the rifle and was pointing it downward

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1 toward the creek where the other team members were located. V01

2 Dibert believed that the suspect was in a "standing shooting

3 position." Fearing for the safety of the other team members, V01

4 Dibert fired a single shot toward the suspect. V01 Dibert could not

5 remember giving any verbal commands prior to his first shot.

6

7 After the shot, V01 Dibert lost sight of S01 Penalzoza-Soto and had to

8 shift positions in an attempt to re-locate the suspect. While V01

9 Dibert was doing this, V02 Fontana began to give the suspect verbal

10 commands, such as "put your hands up" and "don't move." Based on the

11 commands being given by V02 Fontana, V01 Dibert believed V02 Fontana

12 could see the suspect, so V01 Dibert moved over to where V02 Fontana

13 was. When he arrived at V02 Fontana's position, he found a clear

14 window through the foliage where they were both able to see the

15 suspect when they were in a standing position. Through his rifle

16 optic, V01 Dibert could see the suspect had his hands raised above

17 his head. S01 Penalzoza-Soto was holding an unknown object in his

18 hands. On S01 Penalzoza-Soto's right shoulder there was a dark

19 colored strap or rope and the barrel or muzzle of a rifle to the

20 front of him pointed toward the sky.

21

22 V01 Dibert could also hear that the officers in the creek bed were

23 also giving commands and some of those were being given in Spanish.

24 V01 Dibert was not sure of what the Spanish commands were, as he is

25 not fluent in Spanish.

26

27 S01 Penalzoza-Soto then moved both his hands to around his chest level,

28 which caused V01 Dibert and the other team members to begin yelling

29 commands at the suspect more intensely. S01 Penalzoza-Soto put his

30 hands above his head again but continued to retain whatever he was

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1 holding in his hands. Officers continued to give commands to S01
 2 Penalzoza-Soto specifically telling him to open his hands and drop
 3 whatever he was holding, and that they could see the rifle and not to
 4 touch it. S01 Penalzoza-Soto then removed his right hand from the
 5 object he was holding, which remained in his left hand. With his
 6 right hand, he grabbed the muzzle of the rifle and pointed the rifle
 7 at the officers in the creek bed again. V01 Dibert lost sight of the
 8 other hand and did not know where it went. Fearing that S01
 9 Penalzoza-Soto was about to fire at the officers in the creek, V01
 10 Dibert fired at the suspect approximately five times. V01 Dibert
 11 could hear V02 Fontana firing his weapon as well, and believed that
 12 V02 Fontana had seen the same thing he had.

13
 14 S01 Penalzoza-Soto then either fell or lay down on the ground. V01
 15 Dibert lost sight of him in the tall grass, so he began to yell,
 16 "Suspect down but we can't see him." V01 Dibert therefore covered
 17 the last area where the suspect was seen. V02 Fontana moved behind
 18 V01 Dibert to gain elevation in an attempt to locate the suspect in
 19 the brush, as they were positioned lower than the suspect. Neither
 20 V01 Dibert or V02 Fontana were able to find a position that allowed
 21 them to see the suspect, so they kept their rifles pointed at the
 22 area where the suspect had last been seen. V01 Dibert felt pretty
 23 sure the suspect was still in that area because he could see grass
 24 moving during the length of time (approximately five to six seconds)
 25 it took deputies to climb the north ridge.

26
 27 V01 Dibert and V02 Fontana then began to describe the suspect's
 28 location to the team members in the creek bed so that they could find
 29 him, take him into custody, and give him any medical aid required.
 30 The other team members began to climb the north ridge, which

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1 consisted of a very steep incline with loose gravel. As V01 Dibert
2 continued to observe the last known location of the suspect, he saw
3 V03 Damigo on the north ridge. Instead of going straight toward the
4 suspect, V03 Damigo had gone above the suspect so he was able to see
5 the suspect as he approached him. V01 Dibert also saw W01 Amaro.
6 V01 Dibert then heard V03 Damigo telling the suspect something
7 similar to don't touch the rifle or don't move your hands. V03
8 Damigo then fired three or four times at the suspect. They then moved
9 toward the suspect and handcuffed him. V01 Dibert was unsure of who
10 handcuffed the suspect.

11
12 After hearing that the suspect had been handcuffed, V01 Dibert changed
13 his position. He and V02 Fontana moved approximately twenty to
14 thirty yards east of their shooting positions and set up a perimeter.
15 The Alameda deputies set up a perimeter in the creek bed and on the
16 north ridge. The remaining Alameda deputies assisted W01 Amaro in
17 treating the suspect's injuries.

18
19 V01 Dibert believed that when he first saw the suspect, he was
20 attempting to maneuver behind the team, either for a possible ambush
21 or as an escape route. V01 Dibert did not understand why the suspect
22 did not just run east as the other suspects did, or just hide in the
23 grass because the team would have passed him by.

24
25 V01 Dibert had consumed no alcohol during the twenty-four period prior
26 to the shooting. He was not taking any prescription or over the
27 counter medication at the time of shooting.

28
29 V01 Dibert has been involved in two previous officer involved
30 shootings. The first was on August 5, 2005 on a marijuana

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1 eradication detail and the second was on July 10, 2008 on a marijuana
 2 eradication detail.

3

4 V01 Dibert discharged his Sheriff's Office assigned AR-15. He was
 5 also carrying his assigned Glock handgun but did not fire that
 6 weapon. V01 Dibert is current in his range qualification on both of
 7 his assigned weapons.

8

9 INVESTIGATION CONTINUED:

10

11 On July 21, 2010 at approximately 0100 hours, Sergeant Alanis and I
 12 interviewed V02 Fontana. The interview was audio and video recorded.
 13 Also present in the interview was attorney

14 See Sergeant Alanis' report for V02 Fontana's
 15 statement.

16

17 On July 22, 2010 at approximately 0110 hours, Sergeant Alanis and I
 18 interviewed V03 Damigo. The interview was audio and video recorded.
 19 Also present in the interview was attorney

20 Following is a synopsis of the interview.

21

22 STATEMENT OF VICTIM MICHAEL DAMIGO:

23

24 V03 Damigo confirmed that he understood that he was not under arrest
 25 and was making a voluntary statement. V03 Damigo stated that he had
 26 conferred with his attorney and was ready to begin the interview.

27

28 V03 Damigo is employed at the Santa Clara County Sheriff's Office as a
 29 deputy sheriff. He has been so employed for the last eleven years.

30 He is currently assigned to the Sheriff's Office Marijuana

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1 Eradication Team (M.E.T.). He began that assignment in 2009. V03
2 Damigo has been a member of the Sheriff's Office SERT team for the
3 last eight years and for the last eight years has been assigned as a
4 member of the sniper unit.
5
6 V03 Damigo did not work on Saturday July 17, 2010 or on Sunday July
7 18, 2010. On Monday 19, 2010 he worked from 0800 to 1700 hours. He
8 was preparing for an upcoming marijuana eradication detail. On
9 Tuesday July 20, 2010 he worked from 0800 to 1700 hours. He had
10 prepared for the marijuana eradication detail at the N3 Ranch. Deputy
11 Damigo was the case agent for the operation and learned from Alameda
12 deputies that the workers on the N3 Ranch had located some black
13 plastic tubing that they said was not there the previous summer.
14 Deputy Damigo knew from his experience that black plastic tubing is
15 usually used to move water from a water source to marijuana grows.
16 Deputy Damigo had never been to the N3 Ranch for a marijuana
17 eradication detail.
18
19 V03 Damigo arrived at work at approximately 0400 hours on July 21,
20 2010. When he arrived, he began gathering equipment that would be
21 needed for that day's operation so that when the remainder of the
22 team arrived, they would be ready to go. The team consisted of
23 Deputy Damigo (V03), Deputy Dibert (V01), Deputy Fontana (V02),
24 Sergeant Spagnola (W03), Deputy Moore (W02) and Deputy Amaro (W01).
25
26 Once the team arrived, they drove to Livermore Police Department and
27 met with remainder of the team for that day from the Alameda County
28 Sheriff's Office. It was a joint operation between the two agencies
29 because it was unknown in which jurisdiction the actual marijuana was
30 located. When they arrived, Sergeant Peterson from Alameda gave a

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1 briefing and went over the operations plan Alameda had prepared. The
 2 operations plan included the names of the involved deputies and
 3 location of where they were scouting. The briefing also included a
 4 discussion of the "rules of engagement," what to do in case of an
 5 officer involved shooting and what to do in case someone was
 6 injured.

7
 8 After the briefing, the teams traveled to the N3 Ranch and met up with
 9 some workers. The workers showed them to the area where the black
 10 plastic piping had been located. When they arrived it was decided
 11 that Santa Clara County deputies would lead the hike and Alameda
 12 deputies would follow behind about thirty or forty yards. As the
 13 case agent, V03 Damigo organized how he wanted the Santa Clara County
 14 deputies to be lined during the hike. He placed V01 Dibert and V02
 15 Fontana in the front. Following them was W03 Spagnola and V03 Damigo,
 16 W01 Amaro and W02 Moore.

17
 18 As they walked through the woods, several of the team members (V01
 19 Dibert, V02 Fontana and W03 Spagnola) started taking a trail that led
 20 to higher ground, while the remainder of the team stayed in the creek
 21 bed. V03 Damigo estimated that the high portion of the team were
 22 probably forty feet above the deputies in the creek bed. The team had
 23 been split for approximately fifteen minutes when V02 Fontana noted
 24 the water line appeared to be staying on the high ground. V03
 25 Fontana suggested that V03 Damigo find a route up to the higher
 26 ground so the team could be reunited. V03 Damigo was in the process
 27 of looking for a route up when W02 Moore whispered from approximately
 28 twenty-five feet away that someone was on the hill above them. V03
 29 Damigo looked up and after readjusting his position was able to see
 30 the suspect walking westbound on the north bank about seventy-five

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1 yards up the hill from them. The high team was located on the south
 2 bank about forty to fifty feet above the creek. However, because he
 3 was looking at the suspect, V03 Damigo lost sight of V01 Dibert, V02
 4 Fontana and W03 Spagnola.

5
 6 The suspect was moving out from some brush when V03 Damigo first saw
 7 him. V03 Damigo saw the shininess of the wood stock and believed it
 8 to be a shoulder fire or long gun type weapon slung over his right
 9 shoulder with the butt stock up. S01 Penalzoza-Soto was walking and
 10 seemed to be looking into the creek bed. V03 Damigo did not believe
 11 that S01 Penalzoza-Soto was looking directly at him. The suspect was
 12 walking quickly, and V03 Damigo had to adjust his position often so
 13 as not to lose sight of the suspect. V03 Damigo then got on his
 14 police radio and gave a suspect description (tan hat and tan shirt)
 15 which included the fact that he possibly had a weapon. W01 Amaro
 16 then got on the radio and stated that the suspect had a rifle. V03
 17 Damigo continued to move around in the creek bed trying to see the
 18 suspect because he did not know what the suspect's intentions were.
 19 V03 Damigo did not see the suspect again until V03 Damigo reached the
 20 top of the hill.

21
 22 A couple of seconds later, V03 Damigo heard V01 Dibert and someone
 23 else yelling things similar to, "Sheriff's Office. Drop the weapon.
 24 Turn and face me. Walk towards me." Approximately five seconds
 25 later, V03 Damigo heard one gun shot. V03 Damigo said the shot
 26 sounded as if it came from an AR-15, but since he was unsure what
 27 weapon the suspect was carrying, he did not know who fired. After
 28 several seconds, V03 Damigo heard another two or three shots along
 29 with verbal commands of "Drop the weapon." He heard the commands
 30 being given in both English and Spanish. After the two or three shots

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1 were fired, V03 Damigo heard someone yell, "I think he's down. I
 2 think he's down." He also heard that the suspect had dropped down
 3 behind some brush and they could not see him. V01 Dibert came over
 4 the radio and said that he was going to try and gain higher ground to
 5 get sight of the suspect. They also discussed the need for someone
 6 to go up the hillside to handcuff the suspect and render first aid as
 7 necessary.

8

9 V03 Damigo was the closest person to the side of the hill so he
 10 started to scramble up the side on his hands and knees. V03 Damigo
 11 said the hill was extremely steep with very loose footing. W01 Amaro
 12 was directly behind V03 Damigo as he was the team's medical
 13 personnel. As V03 Damigo was climbing, he was getting updates from
 14 V01 Dibert on where he (V03 Damigo) was relative to the suspect. V03
 15 Damigo was also getting updates that although no one could see the
 16 suspect, the brush around where he was lying was moving. Therefore,
 17 V03 Damigo and W01 Amaro went above the suspect and made a u-turn to
 18 come back down to him. W01 Amaro stayed with V03 Damigo as they
 19 approached the suspect because W01 Amaro was the team's medic.
 20 However, as they approached, W01 Amaro did have his weapon drawn.

21

22 As V03 Damigo approached the suspect (who was facing up with his head
 23 down slope), he could see his left arm was moving a bit. V03 Damigo
 24 raised his weapon and started commanding S01 Penalzoza-Soto not to
 25 move and identifying himself as a police officer. These commands were
 26 given in both Spanish and English. S01 Penalzoza-Soto raised his neck
 27 and looked at V03 Damigo and continued to move his left arm in search
 28 for his weapon. V03 Damigo believed that S01 Penalzoza-Soto saw him.
 29 The weapon was a wood stock rifle (unknown kind) and was
 30 approximately eighteen inches from his body. V03 Damigo watched the

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1 suspect to see if he was really going for the gun because if he did
 2 not grab it then he would have approached the suspect to handcuff
 3 him. However, the suspect continued to feel around for the gun and
 4 got a grip on the stock of the rifle and pulled it into his waist
 5 near his left leg. Once it was at his waist, V03 Damigo believed
 6 that S01 Penalzoza-Soto meant to shoot him or W01 Amaro; therefore,
 7 V03 Damigo fired approximately four to five rounds. V03 Damigo
 8 estimated that he was fifteen feet from the suspect when he fired,
 9 which was the same position he originally saw the suspect from.
 10
 11 After he fired, V03 Damigo saw the suspect put his left hand over and
 12 behind his head. Above his head was a large bunch of dead brush
 13 entwined together. V03 Damigo's immediate thought was that S01
 14 Penalzoza-Soto could have been attempting to retrieve another weapon
 15 from inside the brush. However, V03 Damigo and W01 Amaro approached
 16 the suspect to secure him before he was able to retrieve any other
 17 weapons.
 18
 19 V03 Damigo kept his rifle aimed at the suspect while W01 Amaro
 20 handcuffed S01 Penalzoza-Soto. At the same time, V03 Damigo took hold
 21 of the suspect's weapon and moved it to the west out of his reach.
 22 When V03 Damigo moved the weapon he noticed there was a hand made
 23 type sling attached to the weapon.
 24
 25 After he was handcuffed, W01 Amaro began to give S01 Penalzoza-Soto
 26 first aid, while V03 Damigo turned his attention back to the
 27 surrounding area because he still believed there were outstanding
 28 suspects. V03 Damigo however stayed near W01 Amaro in case he needed
 29 any assistance. Also in the area was Alameda Deputy Pope (W07) but
 30 V03 Damigo did not know if he was assisting W01 Amaro with first

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1 aid.

2

3 After the situation calmed down, V03 Damigo used his satellite phone
 4 to contact Santa Clara County Communications to let them know what
 5 had occurred and that they needed Life Flight. However, at 1025
 6 hours, W01 Amaro pronounced death.

7

8 When W01 Amaro was manipulating the body, V03 Damigo noticed some
 9 blood on the suspect's torso and he noticed a lot of blood near his
 10 groin area.

11

12 V03 Damigo and W01 Amaro stayed with S01 Penaloza-Soto for the next
 13 hour or two and then went and re-hydrated themselves in the creek
 14 bed. During the time they were with the suspect, they covered him
 15 with an emergency type blanket and weighted it down with rocks.

16

17 V03 Damigo said that as he was climbing up the hill with W01 Amaro, he
 18 heard someone ahead of him and to his left running away from where he
 19 was. V03 Damigo heard from some of the Alameda deputies that as they
 20 climbed the hill behind V03

21 Damigo they also heard people running away. Therefore, they went
 22 above where V03 Damigo was and started giving verbal commands to no
 23 avail.

24

25

26

V03

27 Damigo had not consumed any alcohol during the twenty-four hours
 28 before the shooting.

29

30 V03 Damigo fired his Sheriff's Office issued AR-15 rifle. He was also

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1 carrying his issued Glock handgun but did not fire that weapon during
 2 the incident. V03 Damigo is currently qualified with both of his
 3 weapons.

4
 5 V03 Damigo has been involved in one prior officer involved shooting.
 6 That shooting occurred on August 5, 2005 and was during a marijuana
 7 eradication detail.

8
 9 V03 Damigo was not injured during the incident.

10
 11 V03 Damigo never entered or saw the marijuana grow and did not believe
 12 that anyone from their team saw it.

13
 14 INVESTIGATION CONTINUED:

15
 16 After completing the interviews, the investigative team met and went
 17 over the assignments for the next day. Sergeant Leon and Sergeant
 18 Elder were going to respond to the command post and liaison with the
 19 Crime Scene deputies. Sergeant Alanis and I were going to attempt to
 20 identify the suspect. I left the Sheriff's Office at approximately
 21 0330 hours.

22
 23 On July 22, 2010 at approximately 0725 hours, I received a telephone
 24 call from Lieutenant Camarda. She had received a call from Deputy
 25 Allen requesting a status of the coroner investigator. I contacted
 26 the Coroner's Office and was told that Investigator Barberich was
 27 en-route to the command post. I relayed this information to Deputy
 28 Allen. He then told me that according to Lieutenant Morrissey, there
 29 was not enough personnel to secure the marijuana grows so that CSI
 30 personnel could process them for evidence. Therefore, CSI had not

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1 processed the grow sites.

2

3 I arrived at the Sheriff's Office at approximately 0900 hours and

4 began trying to identify the suspect. At approximately 1045 hours, I

5 talked with Sergeant Helms at the command post. He stated that

6 Investigator Barberich was there and was going to do his

7 investigation with the suspect's body after it was removed from the

8 scene by CHP's helicopter. I also learned that SERT members were

9 going to enter and clear the marijuana grows; however, they did not

10 have the manpower to allow CSI members to access and process the

11 scene. Therefore it was agreed that they would collect any potential

12 evidence and give it to the CSI team for packaging.

13

14 I talked with Sergeant Leon at approximately 1420 hours. He told me

15 that Investigator Barberich had just left with the suspect. Sergeant

16 Leon had been present during Investigator Barberich's initial search

17 of the suspect. He saw what appeared to be two gunshot wounds in the

18 left chest area, two gunshot wounds in the front right thigh, two in

19 the back right thigh and one in the inner right thigh.

20

21 At approximately 1700 hours, I retrieved the Santa Clara County

22 Communications dispatch tape and placed it in the case file.

23

24 At approximately 1813 hours, I learned from Sergeant Leon that the

25 crime scene had been taken down and all CSI team members had left. I

26 also learned that the suspect had been carrying a pellet gun.

27 However, when SERT entered the marijuana grows they located .223

28 ammunition along with other types of ammunition.

29

30 At approximately 2125 hours, I received a telephone call from Sergeant

OFFICER'S NAME McAllister, P.	ID NUMBER 1706	DATE 08/31/10 1115	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/03/10 1320	PAGE 29	OF 40
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REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Leon. He stated that he had received a telephone call from Sergeant
2 Peterson from the Alameda County Sheriff's Office. The Alameda
3 County Sheriff's Office had received a telephone call after a news
4 release about the shooting from a family member of S01 Penalzoza-Soto.
5 The caller said they believed the suspect was their brother. They
6 had not seen him in a week and knew he was working on a farm near
7 Livermore. They suspected that he was growing marijuana. Sergeant
8 Leon said he did a work-up on the suspect based on the information he
9 was given. He had located a picture of S01 Penalzoza-Soto from a
10 prior arrest and based on what he had seen that day believed it was
11 the same person. Sergeant Leon had requested a copy of the
12 fingerprints from that arrest for comparison with those of the
13 suspect. Sergeant Leon said that Alameda would be writing a report
14 detailing the information (Alameda report 10-012400).

15
16 On July 23, 2010 at approximately 0745 hours, I met with Detective
17 Allen and Detective Shaheen. They told me that SERT had located some
18 additional pellet guns in the marijuana grow along with a 22 caliber
19 rifle. SERT had also located multiple different types of ammunition
20 including rifle rounds, shotgun rounds and handgun rounds.

21
22 At approximately 0915 hours, Detective Tracey and I went to the Santa
23 Clara County Coroner's Office for the autopsy. When we arrived, we
24 were shown an x-ray that was taken prior to our arrival. From the
25 x-rays it appeared there were a three bullets located inside the body
26 cavity and the right leg bone was broken in two places. Doctor
27 started the autopsy at 0955 hours. See Detective Tracey's
28 report for information regarding evidence collection at the
29 autopsy.

30

OFFICER'S NAME McAllister, P.	ID NUMBER 1706	DATE 08/31/10 1115	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/03/10 1320	PAGE 30	OF 40
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Doctor said he found four entry wounds: two in the upper
 2 right leg, one in the upper left arm and one in the upper right chest
 3 area. One of the gunshots in the leg was through and through and
 4 three bullets were recovered inside the body cavity of S01
 5 Penalzoza-Soto.

6
 7 At approximately 1017 hours, fingerprints were collected. A set was
 8 given to Detective Tracey and another set was given to Coroner
 9 Investigator . asked me if we had any new information
 10 on the suspect's identification. I explained to her the information
 11 we received from Alameda, and gave her the fingerprints from S01
 12 Penalzoza-Soto's prior arrest. She said she would forward the two
 13 sets of fingerprints to Latent Fingerprint Examiner for
 14 comparison. At approximately 1200 hours, Investigator informed
 15 me that had positively confirmed the deceased as S01
 16 Penalzoza-Soto. Investigator agreed that Sergeant Alanis and I
 17 could make the official death notification to the family of S01
 18 Penalzoza-Soto.

19
 20 At approximately 1430 hours, Sergeant Alanis and I went to S01
 21 Penalzoza-Soto's sister, O01 residence in East
 22 Palo Alto. There was no one home so we called her cell phone. She
 23 answered and told Sergeant Alanis that she was at work and would be
 24 home around 1630 hours.

25
 26 Sergeant Alanis then attempted to contact the suspect's brother, O02
 27 . There was no answer on his telephone. We then
 28 made telephone contact with O03 (O02
 29). She stated she was on her way to her home and that we could
 30 meet her and her husband there. We met with O02 and O03

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 at there home at 1505 hours. The interview was conducted in Spanish
 2 by Sergeant Alanis. See his supplemental report for information
 3 regarding the interview.

4
 5 We met with O01 at O02 residence at approximately 1710
 6 hours. The interview was conducted in Spanish by Sergeant Alanis.
 7 See his supplemental report for details of the interview.

8
 9 At 1730 hours, I called Sergeant Quinonez and requested that he
 10 contact the owner of the N3 Ranch regarding illegal marijuana
 11 cultivation on his land. See his supplemental report for details
 12 regarding the interview.

13
 14 On July 29, 2010 I had Detective Harrington and Detective Breuss
 15 respond back to the crime scene and do some further investigation
 16 regarding GPS locations. See Detective Harrington's supplemental
 17 report for further information. Santa Clara County SERT also did the
 18 eradication on the same day. They removed approximately 18,000
 19 marijuana plants from six grows. They also collected some additional
 20 evidence. See Sergeant Lehmann's supplemental report for details.

21
 22 At approximately 1324 hours, I attempted to contact W01 Amaro to
 23 clarify some things with him. I left him a telephone message to call
 24 me. He returned my telephone call on July 28, 2010 at around 1710
 25 hours. The interview was audio recorded. Following is a synopsis of
 26 the interview.

27
 28 **STATEMENT OF WITNESS DOUG AMARO:**

29
 30 W01 Amaro stated that S01 Penaloza-Soto was lying with his head down

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 into some old Manzanita and trying to reach back. I confirmed that
 2 meant his head was toward the creek bed. W01 Amaro stated that was
 3 correct. Then after handcuffing the suspect, W01 Amaro and an
 4 officer from Alameda turned him around to administer medical aid.

5

6 INVESTIGATION CONTINUED:

7

8 On July 30, 2010 I requested Deputy Kubik take the suspect's phone and
 9 forensically search it. See his supplemental report for details.
 10 When he was finished he brought me his report. It showed me all the
 11 photographs stored on the phone. I found twenty-three total
 12 photographs. There was six of a female child, believed to be his
 13 daughter. The remaining photographs were of the marijuana grow. The
 14 photographs spanned from June 13, 2010 to July 11, 2010. The last
 15 telephone call S01 Penaloza-Soto made was on July 19, 2010 at 1926
 16 hours. His last received call was on July 16, 2010 at 1753 hours.
 17 His last missed call was on July 16, 2010 at 1746 hours. The
 18 investigation into those calls is still on-going.

19

20 On August 3, 2010 I requested Sergeant Quinonez conduct a follow-up
 21 interview with W01 Amaro. See his supplemental report for details
 22 regarding the interview.

23

24 On August 4, 2010, I talked with Sergeant Dickson from the Alameda
 25 County Sheriff's Office. He stated that he had mailed copies of the
 26 reports written by W05 Farruggia, W08 Ortiz and W09 Mora. He also
 27 included a copy of the operations plan prepared for the eradication
 28 conducted on July 29, 2010.

29

30 On August 4, 2010 I talked with Captain Rode of the Santa Clara County

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Coroner's Office. He stated that when Doctor _____ and Doctor _____
 2 _____ conferred about the autopsy of S01 Penalzoza-Soto they found a
 3 fifth gunshot wound in the upper chest. Upon entry the bullet hit
 4 something, shattered into multiple smaller pieces and was
 5 unrecoverable.

6
 7 At approximately 1446 hours, I left a telephone message for attorney
 8 _____ that I had some follow-up questions for V01 Dibert, V02
 9 Fontana and V03 Damigo. _____ returned my call on August 5, 2010 at
 10 0955 hours and said she would get in touch with everyone to set up a
 11 time for the interviews.

12
 13 On August 6, 2010 at approximately 0900 hours, Sergeant Alanis and I
 14 met with V03 Damigo. Present for the interview was
 15 _____ . The interview was audio and video recorded.
 16 Following is a synopsis of the interview.

17
 18 **STATEMENT OF VICTIM MIKE DAMIGO:**

19
 20 V03 Damigo confirmed that he understood that he was not under arrest
 21 and was making a voluntary statement. V03 Damigo stated that he had
 22 conferred with his attorney and was ready to begin the interview.

23
 24 On the day of the shooting, V03 Damigo's assigned AR-15 rifle magazine
 25 was loaded with thirty rounds of .223 ammunition. He was carrying
 26 three additional magazines, which were each loaded with thirty rounds
 27 of .223 ammunition. V03 Damigo's weapon has been modified, but all
 28 modifications have been authorized by the Sheriff's Office range
 29 master (W03 Sergeant Spagnola) and none of those modifications have
 30 altered how the weapon works.

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1

2 The first noise that V03 Damigo heard from the suspect was a moaning

3 or wheezing when he and W01 Amaro came upon him and V03 Damigo

4 started issuing commands. To the best of V03 Damigo's recollection

5 the suspect was not making the moaning noises during the entire

6 encounter.

7

8 V03 Damigo's shooting position was standing however; he was slightly

9 crouched over because of the terrain.

10

11 V03 Damigo stated he saw his rounds impact on the lower abdomen area

12 of the suspect. V03 Damigo then reiterated that when he saw the

13 suspect gain too much control over the weapon and become a threat to

14 himself and W01 Amaro, V03 Damigo fired his weapon. He then

15 explained that because he was only around fifteen feet from the

16 suspect, he was too close to use the scope on his rifle and was

17 looking over the top of it when he fired. V03 Damigo believed that

18 from that position he saw his shots strike the suspect in the

19 abdomen.

20

21 I explained to V03 Damigo that if I understood our first interview

22 correctly the suspect had raised his head from the ground during

23 their encounter. I then asked him if any other part of the suspect's

24 body left the ground. He said the suspect was lifting and moving his

25 left hand. V03 Damigo believed the suspect was moving his hand to

26 the same spot to locate and gain control of the weapon. Then after

27 V03 Damigo fired his rounds he thought the suspect might have lifted

28 one of his legs, possibly his left.

29

30 INVESTIGATION CONTINUED:

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 On August 6, 2010 at approximately 0935 hours, Sergeant Alanis and I
 3 met with V01 Dibert. Present for the interview was
 4 . The interview was audio and video recorded.
 5 Following is a synopsis of the interview.

6

7 **STATEMENT OF VICTIM CREGG DIBERT:**

8

9 V01 Dibert confirmed that he understood that he was not under arrest
 10 and was making a voluntary statement. V01 Dibert stated that he had
 11 conferred with his attorney and was ready to begin the interview.

12

13 On the day of the incident, V01 Dibert had loaded his weapon with a
 14 thirty round magazine that was filled with thirty .223 rounds. He
 15 had three additional magazines with him that were each filled with
 16 thirty rounds. After the shooting and once things had calmed a bit,
 17 V01 Dibert changed his magazine for a fully loaded one.

18

19 V01 Dibert's weapon has been modified but all modifications have been
 20 authorized by the Sheriff's Office range master (W03 Sergeant
 21 Spagnola) and none of those modifications have altered how the weapon
 22 functions.

23

24 V01 Dibert did not hear the suspect make any noises.

25

26 When V01 Dibert fired his weapon he was in a non-supported standing
 27 position. V01 Dibert did not specifically see any of his rounds
 28 impact the suspect. However, there was a reaction from the suspect
 29 that made V01 Dibert believe he had been hit in the left chest area
 30 as he winced and turned in that direction.

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 **INVESTIGATION CONTINUED:**

3

4 **On August 6, 2010 at approximately 1055 hours, Sergeant Alanis and I**

5 **met with V02 Fontana. Present for the interview was**

6 **. The interview was audio and video recorded.**

7 **See Sergeant Alanis' report for details regarding the interview.**

8

9 **PLEOs:**

10

11 **Sergeant McAllister 1706 & Supplemental Repor**

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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"/> 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
90	E		1	DVD			
SERIAL NUMBER		LOCATION COLLECTED Crime Scene			VALUE	LOC CODE	

DESCRIPTION DVD containing video footage of crime scene by Deputy Cardoza							
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
91	E		1	CD			
SERIAL NUMBER		LOCATION COLLECTED Coroner's Office			VALUE	LOC CODE	

DESCRIPTION CD containing photographs from S01's autopsy by Deputy Tracey							
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
92	E		1	CD			
SERIAL NUMBER		LOCATION COLLECTED Del Valle Command Post			VALUE	LOC CODE	

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
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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
---	---------------------------	--------------

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
---	-----------------------	-------------

<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
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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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
93	E		1	CD			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED Crime Scene/Del Valle Command Post/Sheriff's Office			VALUE 0	LOC CODE 147217	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION CD containing photographs of crime scene, evidence and involved officers by Deputy Shaheen							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
94	E		1	CD			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED Crime Scene			VALUE 0	LOC CODE 147218	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION CD containing photographs of the crime scene by Deputy Breuss							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
95	E		1	CD			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED Sheriff's Office			VALUE 0	LOC CODE 147219	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION CD containing photographs of suspect's pants (dried) by Deputy Tracey							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
96	E		1	DVD			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED Sheriff's Office			VALUE 0	LOC CODE 147220	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION DVD containing interview with V01 from July 21, 2010							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
97	E		1	DVD			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED Sheriff's Office			VALUE 0	LOC CODE 147221	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION DVD containing interview with V02 from July 21, 2010							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
98	E		1	DVD			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED Sheriff's Office			VALUE 0	LOC CODE 147222	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION DVD of interview with V03 from July 21, 2010							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
99	E		1	DVD			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED Sheriff's Office			VALUE 0	LOC CODE 147223	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION DVD of interview with W01 from July 21, 2010							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
100	E		1	DVD			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED Sheriff's Office			VALUE 0	LOC CODE 147224	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION DVD containing interview with W03 from July 21, 2010							
Bar code							

OFFICER'S NAME McAllister, P.	ID NUMBER 1706	DATE 08/31/10 1115	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/03/10 1320	PAGE 39	OF 40
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REPORT TYPE <input type="checkbox"/> [] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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	
101	E		1	DVD			LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Sheriff's Office			VALUE 0	LOC CODE 147225	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION DVD containing interview with W04 from July 21, 2010							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
102	E		1	DVD			LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Sheriff's Office			VALUE 0	LOC CODE 147226	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION DVD containing interview with W06 and W07 from July 21, 2010							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
103	E		1	CD			LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Euclid in East Palo Alto (S01's brother's house)			VALUE 0	LOC CODE 147227	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION CD containing interviews with O01, O02 and O03 from July 23, 2010							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
104	E		1	DVD			LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Sheriff's Office			VALUE 0	LOC CODE 147228	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION DVD containing follow-up interviews with V01, V02 and V03 on August 6, 2010							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
105	E		1	CD			LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Sheriff's Office			VALUE 0	LOC CODE 147229	PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION CD of telephone interview with W01 from July 29, 2010 by Sergeant McAllister							

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OFFICER'S NAME McAllister, P.	ID NUMBER 1706	DATE 08/31/10 1115	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/03/10 1320	PAGE 40	OF 40
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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 INVESTIGATION:

2

3 I am a detective assigned to the Court Liaison Unit in the
 4 Investigations Division for the Santa Clara County Sheriff's
 5 Department. One of my collateral duties is on the Crime Scene
 6 Investigation team. On July 21st 2010 I was advised by CSI Sergeant
 7 Leon #1685 of an officer involved shooting in northeastern
 8 unincorporated Santa Clara County out toward the border with Alameda
 9 County.

10

11 I attended a briefing in the headquarters squad room with the homicide
 12 detectives, other CSI team members, Sheriff's Administration, the
 13 Public Information Officer and Headquarters Patrol Administration.
 14 Lt D Rodriguez conducted the briefing and advised the suspect had
 15 been declared deceased on scene and all involved Sheriff's personnel
 16 were unhurt. The details given concerning the shooting were few due
 17 to the remote area of the incident and the lack of good
 18 communications with the deputies on the ground. The information
 19 available was deputies went out to the N3 Cattle Company property
 20 located in the northeastern corner of Santa Clara County at the
 21 request of the property owner to locate a possible Marijuana grow.
 22 Deputies from Alameda County Sheriff's Department also went due to
 23 the N3 property covering both Alameda and Santa Clara Counties. The
 24 contingent from Santa Clara County were moving along a creek bed
 25 while the Alameda County group was moving in the same direction above
 26 the creek on a ridgeline. The Santa Clara County deputies
 27 encountered an individual who was holding what appeared to be a rifle
 28 and was shot by two or three deputies from Santa Clara County.

29

30 The area where the shooting had taken place was on the property of a

OFFICER'S NAME Tracey, Matthew	ID NUMBER 1819	DATE 08/30/10 1429	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/03/10 1701	PAGE 1	OF 14
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REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 cattle ranch which had land in both Alameda and Santa Clara County.

2 We were told we had to bring in all food and drinks our team needed

3 due to the remoteness of the scene.

4

5 The CSI team was ordered to load up the main CSI van with all

6 necessary equipment and water was needed and then driven to the crime

7 scene by Deputy Vandegraaf. The other CSI members with four wheel

8 drive enabled vehicles were to drive them to the scene as well.

9 Deputy Allen, Deputy Shaheen, Deputy Cardoza, Deputy Harrington and I

10 all had four wheel drive vehicles and we drove each to the scene.

11 The original command post was to be at the intersection of Mines Road

12 and San Antonio Valley Road but was later changed to the campground

13 at Del Valle Reservoir in unincorporated Livermore because of its

14 closer proximity to the shooting scene.

15

16 I loaded my department issued unmarked CSI truck and stopped by Target

17 to get food items for my teammates and I to support us during the

18 day. I then headed to the scene via Highway 680 and then Highway 84.

19 I arrived at the Del Valle campground at approximately 1415 hours

20 and joined the other CSI members in setting up the CSI van to process

21 the involved deputies as they exited the scene. The CSI van was set

22 up by 1440 hours. We were informed that the Sheriff's Emergency

23 Response Team had not yet determined the area of the shooting to be

24 safe for our entry so we were told to prepare the necessary gear and

25 to wait for the signal to go to the forward staging area. Deputy

26 Allen was designated the lead CSI on this case. Deputy Allen decided

27 to leave Deputy Vandegraaf and Deputy Shaheen with the van while he

28 and the other CSI members went to the forward staging area.

29 Supervising Criminalist _____ and Criminalist _____ responded to

30 the scene from the Santa Clara County Crime Lab at the request of CSI

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1 **Allen.**

2

3 **We were not allowed to move to the forward command post until**

4 **approximately 1530 hours. The dirt road to the forward staging area**

5 **was rough and only passable to four wheel drive vehicles. It took**

6 **the group almost an hour to travel from the Del Valle campground to**

7 **the forward staging area. The CSI team arrived at the forward**

8 **staging area at 1715 hours. Once on scene Deputy Allen, accompanied**

9 **by Sergeant McAllister, primary investigator in the case, along with**

10 **Sergeant Alanis, Supervisor** and a representative from the

11 **District Attorney's office went from forward staging area to the**

12 **actual crime scene. Deputy Allen had Deputy Cardoza, Deputy**

13 **Harrington and myself accompany SERT Sergeant Spagnola, Deputy**

14 **Dibert, Deputy Fontana and Deputy Damigo who had either participated**

15 **or witnessed the shooting back to the command post at Del Valle**

16 **campground. Deputy Bret Moore and Reserve Deputy Amaro left the**

17 **forward staging area ahead of everyone else. Deputy Allen and**

18 **Sergeant McAllister decided due to the terrain and having less than 2**

19 **hours of daylight left the body was not going to be recovered until**

20 **the next day.**

21

22 **Based on what the SERT members relayed to the command post about the**

23 **terrain of the shooting scene the Sheriff's Office Search and Rescue**

24 **Team had been activated to assist in the removal of the body and**

25 **processing of the crime scene. Search and Rescue sent an advance**

26 **party to the scene to evaluate it and see what tools and equipment**

27 **they were going to need to assist us in the removal of the body and**

28 **in processing the scene.**

29

30 **Deputy Cardoza, Deputy Harrington and I and the SERT members had**

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1 arrived back at the Del Valle command post at approximately 1825
2 hours. After we had arrived back at the command post Deputy Cardoza,
3 Deputy Harrington and I along with Sergeant Spagnola briefed the
4 administration on site on why the body of the deceased would have to
5 remain in place overnight. Sheriff's Administration who were
6 present decided the body would have to be removed from the scene
7 before we could clear the scene for the day. We were told to head
8 back to the forward staging area and inform Sergeant McAllister and
9 Deputy Allen about the change of plans concerning the body removal.
10 Deputy Cardoza, Deputy Harrington and I headed back to the forward
11 staging area to meet up with Sergeant McAllister and Deputy Allen at
12 1845 hours. We met up with Sergeant McAllister and Deputy Allen on
13 the way back to the forward staging area at approximately 1930 hours.
14 After we briefed Deputy Allen and Sergeant McAllister they turned
15 around and followed us back to the forward staging area.
16
17 Once at the forward staging area we were told by the lead member of
18 the Search and Rescue team that due to the diminishing daylight and
19 treacherous terrain they could not safely remove the body until the
20 next morning. Deputy Cardoza relayed the message to Captain Pugh who
21 then ordered everyone back to the Del Valle command post.
22
23 After returning to the Del Valle command post we were told to
24 coordinate amongst the CSI team members and arranged at what time in
25 the morning were we to return to the Del Valle command post. After
26 conferring with Sergeant McAllister, Deputy Allen told us to be back
27 at the Del Valle command post no later than 0700 hours the next day.
28 After helping clean up the area we had been parked in and placing our
29 equipment back into the CSI van I left the scene at approximately
30 2200 hours and headed back to Sheriff's Headquarters to refuel my

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1 unmarked CSI truck.

2

3 DAY TWO:

4

5 I arrived at the Del Valle command post at 0645 hours and waited for
 6 the arrival of the rest of the CSI team and the CSI van. A briefing
 7 was conducted for the CSI team members at approximately 0800 hours.

8 CSI was told we were to travel to the forward staging area and meet
 9 with Search and Rescue to coordinate the removal of the body and the

10 collection of evidence at the crime scene. Today we were joined by
 11 from the

12 Santa Clara County Crime Lab.

13

14 I departed the Del Valle command post at approximately 0815 hours with
 15 Deputy Allen, Deputy Harrington, Deputy Shaheen and Deputy Cardoza

16 along with the four criminalists from the Crime Lab while Deputy
 17 Vandegraaf stayed at the Del Valle command post with the CSI van. We

18 arrived at the forward staging area at approximately 0905 hours.

19 Search and Rescue were already at the forward staging area.

20

21 We left the forward staging area at 0920 hours and hiked down to the
 22 crime scene and arrived at approximately 0940 hours. Already at the

23 scene for security were SERT members Sergeant Vasquez, Sergeant
 24 Cannan, Sergeant Simonson, Sergeant Lehmann and Deputy Delapena.

25 Talking to the SERT members were two citizens who worked for the N3
 26 ranch but they were outside the crime scene.

27

28 SCENE DESCRIPTION:

29

30 The shooting area was a wooded area on the side of a mostly dry creek

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1 bed with the opposite side of the creek a steep hillside with grass
 2 and small bushes. For further description of the opposite hillside
 3 please refer to Deputy Harrington's supplemental report.

4

5 INVESTIGATION CONTINUED:

6

7 I assisted Criminalist with establishing measurements inside the
 8 lower crime scene which we designated scene one.

9

10 For measurements we picked two trees and designated the tree to the
 11 east side as tree A and the tree to the west as tree B. Inside the
 12 crime scene we identified 10 items which needed to have their
 13 positions measured. We found 7 rifle shell casings, a water bottle
 14 and the two spots marked where the two shooters were standing. The
 15 measurements were as follows:

16

17 1) Shooters position. From tree A: 42.2 feet

18 From tree B: 39.22 feet

19

20 2) Shell casing. From tree A: 39.3 feet

21 From tree B: 39.22 feet

22

23 3) Shell casing. From tree A: 38.16 feet

24 From tree B: 40.79 feet

25

26 4) Shell casing. From tree A: 36.73 feet

27 From tree B: 39.69 feet

28

29 5) Shell casing. From tree A: 36.62 feet

30 From tree B: 41.83 feet

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1

2 6) Shell casing. From tree A: 36.45 feet

3 From tree B: 40.78 feet

4

5 7) Shell casing. From tree A: 32.83 feet

6 From tree B: 42.56 feet

7

8 8) Shell casing. From tree A: 33.13 feet

9 From tree B: 41.54 feet

10

11 9) Shooters position. From tree A: 38.33 feet

12 From tree B: 32.38 feet

13

14 10) Water bottle. From tree A: 42.56 feet

15 From tree B: 28.93 feet

16

17 All the measurements were taken by Criminalist using a

18 laser measure. The GPS coordinates of the trees were taken by Deputy

19 Allen. The 7 rifle shell casings and the water bottle were collected

20 by Deputy Shaheen. Criminalist photographed the crime

21 scene area prior to any items being collected.

22

23 Using the same laser measure Criminalst measured from the two

24 shooter positions across the creek and up the hill to where the body

25 had fallen. The distance was 136 feet.

26

27 For further details concerning the measurements, photography and

28 collection of evidence from the crime scene, please refer to the

29 supplemental reports by Deputy Allen, Deputy Shaheen, Supervisor

30 Criminalist Criminalist .

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1

2 Deputy Harrington and Deputy Cardoza worked across the creek bed and

3 up the hillside where the suspect had fallen after being shot by

4 deputies. Deputy Harrington was lowered using ropes and with the

5 assistance of the Search and Rescue personnel. Deputy Harrington

6 took photographs, collected evidence and wrapped the body up for

7 airlift to the Del Valle command post. Deputy Cardoza videotaped

8 Deputy Harrington and assisted in the photography and evidence

9 collection. SERT Sergeant Lehmann also assisted Deputy Harrington.

10 The body was airlifted to the command post by the California Highway

11 Patrol helicopter.

12

13 The SERT team went ahead and cleared the Marijuana grow area. While

14 inside the Marijuana grow the SERT members found guns, ammunition and

15 other items of evidentiary value. The SERT members brought the items

16 out with them and Deputy Cardoza and I took possession of the items

17 at the forward staging area. The following items were turned over to

18 Deputy Cardoza and I:

19

20 1) .22 Caliber rifle of unknown make/model. Rifle had one round

21 chambered and eight rounds in tube. Collected by SERT on 7/22/2010

22 2) Green and black HI Tech Tioga backpack. Collected by SERT on

23 7/22/2010

24 3) Forty Five .223 Caliber bullets of unknown make/model. Collected

25 by SERT on 7/22/2010

26 4) Fifty Eight .22 Caliber Remington short bullets. Collected by SERT

27 on 7/22/210

28 5) Nine .22 Caliber long bullets of unknown make/model. Collected by

29 SERT on 7/22/2010

30 6) Two .380 Caliber PMC bullets. Collected by SERT on 7/22/2010

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- 1 7) One .38 Caliber bullet of unknown make/model. Collected by SERT on
- 2 7/22/2010
- 3 8) Six .38 Caliber S&W bullets. Collected by SERT on 7/22/2010
- 4 9) Sixteen .38 Caliber SPL bullets. Collected by SERT on 7/22/2010
- 5 10) Three 20 Gauge Winchester shotgun slugs. Collected by SERT on
- 6 7/22/2010
- 7 11) Eight 20 Gauge Winchester buckshot shells. Collected by SERT on
- 8 7/22/2010
- 9 12) Two 32 ounce Vitamin Water bottles. Collected by SERT on
- 10 7/22/2010
- 11 13) Two round tins of Crossman .177 Caliber pellets. Collected by
- 12 SERT on 7/22/2006
- 13 14) One Marlboro cigarette carton filled with assorted cigarettes and
- 14 butts. Collected by SERT on 7/22/2010.
- 15 15) Clear plastic bag which contained Marijuana seeds. Collected by
- 16 SERT on 7/22/2010
- 17 16) Handwritten letter in Spanish with lip prints on paper.
- 18 Collected by SERT on 7/22/2010
- 19 17) Business card for ¿Mario¿s Landscaping¿ on front and handwriting
- 20 on back. Collected by SERT on 7/22/2010
- 21 18) Pair of scissors with blue handles, unknown make/model.
- 22 Collected by SERT on 7/22/2010
- 23 19) Baseball style hat in camouflage with ¿US Army¿ on front of hat.
- 24 Collected by SERT on 7/22/2010
- 25 20) Coca Cola bottle, 20 oz. size. Collected by SERT on 7/22/2010
- 26 21) Plastic bag with animal crackers. Collected by SERT on
- 27 7/22/2010
- 28 22) Set of keys which consisted of a yellow colored key, gray colored
- 29 key, multicolored key and a black remote. Collected by SERT on
- 30 7/22/2010

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- 1 23) Toothbrushes which were multicolored, four in all. Collected by
- 2 SERT on 7/22/2010.
- 3 24) Plastic blue/green disposable razor by Gillette. Collected by
- 4 SERT on 7/22/2010
- 5 25) Trim brand nail clipper, gray in color. Collected by SERT on
- 6 7/22/2010
- 7 26) Blue plastic spoons, three in all, found inside plastic grocery
- 8 bag. Collected by SERT on 7/22/2010
- 9 27) Green plastic cups, two total. Collected by SERT on 7/22/2010
- 10 28) Crossman ELS122 .22 Caliber pellet gun, camouflage lower receiver
- 11 and equipped with black Centerpoint 3.9 by 40AO scope. Collected by
- 12 SERT on 7/22/2010
- 13 29) Soft rifle case, black in color, with Stanley screwdriver and
- 14 shotgun cleaning kit inside. Collected by SERT on 7/22/2010
- 15 30) Daisy pump pellet gun, unknown caliber, with black stock and
- 16 green paint. Collected by SERT on 7/22/2010
- 17 31) Bar of soap with green washcloth. Collected by SERT on
- 18 7/22/2010
- 19 32) Round tin of Crossman .177 caliber pellets. Collected by SERT on
- 20 7/22/2010
- 21 33) 9mm caliber bullet from a FC Luger pistol. Collected by SERT on
- 22 7/22/2010
- 23 34) Old Spice Hi Endurance deodorant, red in color. Collected by
- 24 SERT on 7/22/2010
- 25 35) Schick Quattro disposable razors, two total, blue in color.
- 26 Collected by SERT on 7/22/2010
- 27 36) Toothbrushes, unknown make/model, one white and green the other
- 28 clear and purple in color. Collected by SERT on 7/22/2010
- 29 37) Colgate Sparkling White toothpaste, 6.4 oz tube. Collected by
- 30 SERT on 7/22/2010

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1 38) Large green plastic cup. Collected by SERT on 7/22/2010

2 39) Green plastic cups, three total. Collected by SERT on

3 7/22/2010

4 40) Unopened 4 oz bottle of 5 Hour Energy, pomegranate flavor.

5 Collected by SERT on 7/22/2010

6 41) Cardboard with handwriting on one side. Collected by SERT on

7 7/22/2010

8 42) Two Ziploc bags containing Marijuana seeds. Collected by SERT on

9 7/22/2010

10 43) Two small round tins, green and white in color, which contained

11 air rifle pellets of unknown make/model. Collected by SERT on

12 7/22/2010

13

14 Deputy Cardoza and I placed all the items brought out of the Marijuana

15 grow area by the SERT team into paper bags or envelopes. The

16 evidence was then placed in the back of my unmarked CSI truck. The

17 evidence was transported to Sheriff's Headquarters at the end of the

18 day by me and placed in the secure evidence processing room for the

19 CSI team. The evidence was then photographed, processed and

20 repackaged the following day by Deputy Shaheen, Deputy Vandegraaf,

21 Deputy Allen and I.

22

23 **DAY THREE:**

24

25 Deputy Allen, Deputy Vandegraaf, Deputy Shaheen and I all reported to

26 Sheriff's Headquarters at 0730 hours on Friday, July 23rd. Deputy

27 Allen, Deputy Shaheen and Deputy Vandegraaf were going to take all

28 items collected at the crime scene and take control photographs,

29 repackage and submit the items to the Sheriff's Evidence room. I

30 accompanied Sergeant McAllister to the Coroner's Office to observe

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1 the autopsy on the unknown suspect and to collect all items of
 2 evidence including clothing and possible bullets or fragments. I
 3 also took photographs during the autopsy. The autopsy started at
 4 approximately 0930 hours on 7/23/2010 and it took place at the Office
 5 of the Coroner, located at 850 Thornton Way in San Jose.

6
 7 I collected from the medical examiner Dr Nazareno the following items
 8 of evidence:

- 9
- 10 1)2 chest seals removed from the left side of the body at 1137
 - 11 hours
 - 12 2)Brown paper bag which had covered the right hand at 1003 hours
 - 13 3)Brown paper bag which had covered the left hand at 1005 hours
 - 14 4)One pair of black Flex Cuffs, cut in the middle for removal at 1011
 - 15 hours
 - 16 5)One men's wristwatch at 1012 hours
 - 17 6)One men's tan and green camouflage T-shirt at 1026 hours
 - 18 7)One men's blue tank top 1033 hours
 - 19 8)Small strip of plastic with tissue at 1031 hours
 - 20 9)One right shoe, brown in color at 1038 hours
 - 21 10) One left shoe, brown in color at 1035 hours
 - 22 11) Left sock, white in color at 1035 hours
 - 23 12) Right sock, white in color at 1058 hours
 - 24 13) Men's pants with belt and knife holder at 1058 hours
 - 25 14) Sample of suspect's facial hair at 1044 hours
 - 26 15) Necklace at 1056 hours
 - 27 16) Men's pair of bikini briefs at 1103 hours
 - 28 17) White sheet and brown paper bag from inside body bag at 1104
 - 29 hours
 - 30 18) Body bag at 1107 hours

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- 1 19) Bullet taken from left arm at 1215 hours
- 2 20) Bullet taken from chest at 1400 hours
- 3 21) Bullet taken from abdomen at 1411 hours
- 4 22) DNA blood spot card 1530 hours

5

6 I took all items and placed them into paper bags. At the conclusion
 7 of the autopsy I transported all the items to the Sheriff's Evidence
 8 Room. Deputy Allen and Deputy Shaheen photographed and processed
 9 each item of evidence and repackaged all items. Deputy Vandegraaf
 10 and I assisted with the photography, evidence labeling and typing of
 11 the evidence sheets and labels. All items were then secured in the
 12 Sheriff's Crime Scene Investigation processing room until they could
 13 be brought to the Evidence room.

14

15 During the autopsy I took photographs during the procedure. I took a
 16 total of 139 photographs on a Sheriff's Department Nikon digital
 17 camera. At the end of the autopsy I brought the camera back to the
 18 Sheriff's Department and transferred the photographs onto a disc.
 19 The photos are separated into groups:

20

- 21 A) photographs 1 and 2: overall photos of body
- 22 B) photographs 3 through 8: photos of hands held together by black
 23 Flex cuffs
- 24 C) photographs 9 through 16: photos of suspect's hands individually
- 25 D) photographs 17 through 32: photos of camouflage T-shirt
- 26 E) photographs 33-42: photos of blue tank top
- 27 F) photographs 43-50: photos of boots and socks
- 28 G) photographs 51-74: photos of pair of men's pants
- 29 H) photographs 75-76: photos of necklace
- 30 I) photographs 77-86: photos of men's bikini briefs

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- 1 J) photographs 87-88: photos of suspect's toe tag
- 2 K) photographs 89-94: photos of body on table, overall
- 3 L) photographs 95-100: photos of bullet wounds to chest and left
- 4 arm
- 5 M) photographs 101-110: photos of bullet wounds to right leg
- 6 N) photographs 111-114: photos of bullet wounds to chest area
- 7 O) photographs 115-118: photos of bullet wounds to left arm
- 8 P) photographs 119-122: photos of bullet wounds to scrotum
- 9 Q) photographs 123-126: photos of backside of suspect, overall view
- 10 R) photographs 127-135: photos of bullet wounds to right arm and leg
- 11 from the backside
- 12 S) photographs 136-139: photos of bullets removed from body
- 13
- 14 P.L.E.O.S:
- 15
- 16 Deputy Tracey #1819/ Supplemental report, photographs
- 17 Deputy Allen #1865/ Supplemental report, lead CSI
- 18 Sergeant McAllister #1706/ Supplemental report, lead Investigator
- 19 Deputy Shaheen #1811/ Supplemental report
- 20 Deputy Harrington #1744/ Supplemental report
- 21 Deputy Vandegraaf #1787/ Supplemental report

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1 **ATTACHEMENTS :**

2

3 **Crime scene sketches, crime scene terrain diagram.**

4

5 **INVESTIGATION:**

6

7 **On 7-21-10, at approximately 1043 hours, Captain Pugh told the**
 8 **Investigations Bureau an officer involved shooting had just occurred**
 9 **and advised the CSI and Homicide teams to be ready to respond to the**
 10 **scene.**

11

12 **I was designated as the CSI lead. I immediately began contacting the**
 13 **members of the CSI team and addressing logistical concerns due to the**
 14 **location of the incident. The location of the shooting was believed**
 15 **to be approximately 12-14 miles south of Del Valle reservoir in**
 16 **rugged terrain.**

17

18 **At approximately 1050 hours I attended a briefing held in the**
 19 **headquarters patrol briefing room. The briefing was conducted by Lt.**
 20 **Dalia Rodriguez. Lt. Rodriguez provided all of the attendees with the**
 21 **known information related to the shooting. According to Lt. Rodriguez**
 22 **the suspect had been pronounced deceased at the scene and the**
 23 **involved officers were uninjured. Lt. Rodriguez told everyone the**
 24 **information was coming in slowly because contact with the officers at**
 25 **the scene had been severed.**

26

27 **After the briefing I contacted Senior Supervising Criminalist**
 28 **from The County of Santa Clara DA's Crime Laboratory to ask if**
 29 **he and a team of criminalists could respond to the scene with members**
 30 **of the CSI team, to assist with processing the scene and the officers**

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1 involved in the shooting. Criminalist said he and one of his
 2 subordinates, Criminalist and ballistics expert , would
 3 respond to the scene to assist.

4
 5 I immediately began gathering my gear and the needed materials to
 6 process the scene. Det. Vandergraaf and I arrived at the temporary
 7 command post located inside Del Valle State Park in Alameda County at
 8 approximately 1335 hours.

9
 10 At approximately 1400 hours I with the assistance of the other CSI
 11 members, Det. Cardoza, Det. Vandergraaf, Det. Shaheen, Det.
 12 Harrington and Det. Tracey began setting up the command post. At
 13 approximately 1440 hours we had completed setting up and were ready
 14 to process the officers as they were relieved from the scene. The
 15 timeframe of the officers being removed was elongated due to an
 16 active scene. There were still several outstanding suspects somewhere
 17 in the vicinity of the scene. There were also six unsecured marijuana
 18 gardens consisting of approximately 20-30 thousand plants. The CSI
 19 team was in standby mode until the scene was determined to be secure
 20 by SERT, Sheriff's Emergency Response Team.

21
 22 At approximately 1530 hours we (the homicide investigators and CSI
 23 team) were told we could enter the scene. The secondary staging point
 24 and entrance to the scene was located approximately 12-14 miles south
 25 of the command post and approximately one mile southeast of Bear Trap
 26 Ridge. (See the terrain map) The only way to access the staging area
 27 was by dirt road using a four wheel drive vehicle.

28
 29 As we caravanned up the mountain we ran into several of the officers
 30 who were on scene when the shooting occurred. The officers were in

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1 the process of coming down the mountain. It is unknown who told them
 2 to come down the mountain or if they decided to leave the primary
 3 scene on their own. Sergeants Leon and Elder turned around and
 4 responded back to the command post with the officers. See Sergeants
 5 Leon and Elders; reports for further details. Sergeants McAllister,
 6 Alanis, DA Investigator Mo Reyes, DA's Crime Laboratory Senior
 7 Criminalist and CSI Detectives Cardoza, Tracey,
 8 Harrington and I continued up the mountain to the staging area. We
 9 arrived at the staging area at approximately 1715 hours and were met
 10 by SERT Sergeant Spagnola and SERT Deputies Damigo, Dibert and
 11 Fontana.
 12
 13 Sgt. Spagnola gave Sgt. McAllister, Alanis and I an officer safety
 14 brief to inform us on the terrain we would be encountering. Sgt.
 15 Spagnola told us the terrain was extremely dangerous due to the steep
 16 incline, loose soil, mountain lions spotted in the area and dense
 17 poison oak. He also told us the likelihood of the deceased being
 18 removed from the scene was highly unlikely due to the late hour, loss
 19 of daylight and treacherous terrain.
 20
 21 Under Sgt. Spagnola's advisement Sgt. McAllister, Alanis, DA
 22 Investigator Mo Reyes, Criminalist and I decided to hike
 23 down to the crime scene to asses the situation so that we could
 24 better understand the safety and logistical concerns associated with
 25 processing the scene and safely removing the deceased. Sgt. Spagnola
 26 and Deputies Dibert, Fontana, Damigo left the scene with CSI
 27 Detectives Tracey and Cardoza and Harrington. It took our team
 28 approximately 25 minutes to hike down to the crime scene from the
 29 staging area. Our team was met by four SERT team members, lead by
 30 Sergeants Lehmann, Cannon and Vasquez.

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 The lower scene, (scene one), was covered by the canopies of mature

3 oak trees and was cordoned off with yellow crime scene tape. There

4 was an inner and an outer perimeter for scene one. The outer

5 perimeter was contained with the yellow tape. The tape was stretched

6 between a series of approximately five trees. The inner perimeter was

7 sectioned off in a smaller area encompassing an area of about 100

8 sqft. There were two locations marked inside the inner perimeter with

9 orange tape and sticks. The sticks had been driven into the soil and

10 the orange tape had been tied to the ends of the sticks.

11

12 I could see the second scene, (scene two), immediately north of my

13 position in scene one. As I looked through the tree canopy I could

14 see a blue tarp measuring approximately eight feet by eight feet

15 spread across the hillside. Sgt. Lehmann told Sgt. McAllister and me

16 the decedent's body was underneath the tarp. The tarp was positioned

17 approximately 140 feet north and up the hill from my position in scene

18 one. The hillside was covered with Manzanita, Poison Oak, wild

19 grasses and Madrone trees. The incline of the hillside was

20 approximately 50 degrees and consisted of very loose dry soil.

21

22 Sgt. Lehmann was able to lead myself and Criminalist around and

23 up the hillside so we could get some preliminary photographs. It took

24 us approximately 20 minutes to navigate safely up the hillside

25 without any devices to secure our positions on the hill. If I had

26 lost my footing and fell, I would have fallen approximately 200 or

27 more feet down the hillside to only be stopped by a rocky ravine at

28 the bottom. Sgt. Lehmann had previously explained prior to our ascent

29 that he had nearly fallen down the mountain on two separate occasions

30 when he was positioned on the hillside providing security.

OFFICER'S NAME Allen, Steven	ID NUMBER 1865	DATE 08/19/10 1646	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Camarda, Dianne L.	ID NUMBER 1490	DATE 09/03/10 1701	PAGE 4	OF 11
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Criminalist took some preliminary photos and then we descended
 2 back down the hillside. The descent took nearly the same amount of
 3 time. We were quickly loosing daylight. At approximately 1840 hours
 4 we gathered our equipment and began the hike back up the mountain to
 5 the staging point. We arrived back at the staging point at
 6 approximately 1900 hours.

7
 8 Sgt. McAllister and I determined that the risk of injury or death to
 9 personnel while trying to recover the decedent's body under the cover
 10 of darkness was too high. We decided to respond back down the
 11 mountain to relay the information and make arrangements to provide
 12 scene security through the night. We were still unable to communicate
 13 by radio do to the location of the scene. As we were descending the
 14 mountain, we were met by Detectives Cardoza, Tracey and Harrington.

15
 16 Detective Cardoza told me, Sgt. McAllister and Sgt. Alanis that we had
 17 been ordered by Captain Pugh to recover the deceased's body. Det.
 18 Cardoza said arrangements had been made to fly the Coroner's
 19 investigator to the staging area near the scene and that Santa Clara
 20 County's Search and Rescue was going to assist in the recovery. At
 21 this point we were midway (approximately 6 miles) between the command
 22 post and the staging area to the crime scene. I and Criminalist
 23 turned around and responded back to the staging area. We
 24 arrived back at the staging area at approximately 2010 hours.

25
 26 Coroner's Investigator arrived at the scene via
 27 helicopter at approximately 2012 hours. At 2015 hours I briefed
 28 about the incident and the crime scene. decided
 29 not to hike down to the scene because of several reasons: She was not
 30 dressed appropriately and she did not have the appropriate equipment

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 to safely navigate the terrain. It was nearly dark at this point.

2

3 I was still awaiting Search and Rescues; assessment of the scene and

4 at approximately 2030 hours the head of the Search and Rescue team,

5 , made the determination it was not safe to attempt a

6 recovery. At approximately 2035 hours contacted Captain

7 Pugh via satellite phone and told him the recovery would have to wait

8 until the following morning because it was not safe to attempt an

9 extraction. Due to Search and Rescue;s decision to not attempt the

10 extraction we the CSI team were told to disregard the original order

11 of extracting the body.

12

13 At approximately 2040 hours we gathered our equipment and began our

14 descent down the mountain. I arrived back at the command post at

15 approximately 2200 hours. I left the command post at approximately

16 2230 hours.

17

18 **INVESTIGATION CONTINUED:**

19

20 On 07-22-10, I arrived back at the command post at approximately 0540

21 hours. People began arriving back at the command post at

22 approximately 0630 hours. At approximately 0715 hours I had a meeting

23 with Lieutenants Havig and Morrissey to determine if the CSI team was

24 going to be able to process the six gardens west of the crime scene.

25 Both Lieutenants Morrissey and Havig were unsure if they were going

26 to be able to gather the resources to clear and secure the gardens.

27

28 At approximately 0745 hours no personnel from the Coroner;s Office

29 were present at the command post. I contacted Sgt. McAllister to find

30 out who the investigator would be. Sgt. McAllister made a phone call

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 to the Coroner's Office and learned Investigator was
 2 in route to the command post. I spoke to Investigator by
 3 cellular phone. I explained to the issues involved
 4 with getting to the scene and the problems associated with extracting
 5 the body from the scene. told me he did not need to be
 6 at the scene when the body was removed.

7
 8 I told the extraction would be captured using both
 9 still images and digital video and the body would be air lifted to
 10 his location at the command post for field examination. Inv.
 11 Barbarich said he was in agreement with the plan. At approximately
 12 0815 hours the CSI team consisting of Det. Tracey, Shaheen,
 13 Harrington, Cardoza, myself and four criminalists from the DA's Crime
 14 Laboratory,
 15 responded to the scene.

16
 17 We arrived at the staging area at approximately 0905 hours. Santa
 18 Clara County Search and Rescue was already at the staging area
 19 setting up their gear. At approximately 0920 hours the CSI team,
 20 Criminalists and the Search and Rescue
 21 Team began our descent to the crime scene. We arrived at the lower
 22 crime scene, scene one, at approximately 0940 hours. When we arrived
 23 at the crime scene two men later identified as the ranch managers and
 24 the original reporting parties were at the outer perimeter of scene
 25 one conversing with the SERT members on scene.

26
 27 I asked both men if they had provided their personal identifying
 28 information to Lt. Morrissey and Havig who were positioned above at
 29 the staging area. Both men replied they were the original reporting
 30 parties and had given their information on several occasions to both

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Alameda and Santa Clara County Deputies. I then politely asked both
 2 men to leave the area while we were conducting our investigation.
 3 Both men left the area.

4
 5 At approximately 1010 hours Det. Cardoza was in position to begin
 6 filming. Det. Cardoza was positioned approximately 30' above the
 7 location where the body was located. Det. Cardoza began filming the
 8 extraction process at approximately 1015 hours. While Det. Cardoza
 9 filmed the extraction Det. Harrington was tasked with repelling down
 10 the hillside to document the locations of the body and evidence. Det.
 11 Harrington also collected the found items of evidence located near
 12 the body. Det. Harrington documented the locations of the body and
 13 evidence using a hand held GPS unit. See Det. Harrington's and
 14 Cardoza's supplemental reports for specific details.

15
 16 While Det. Harrington and Cardoza processed the upper scene, (scene
 17 two), I began processing the lower scene, (scene one), with the
 18 assistance of Det. Tracey, Shaheen, Criminalists
 19 . For specific information about scene two, see Det.
 20 Harrington's and Cardoza's supplemental reports.

21
 22 Prior to the start of processing scene one, I took a GPS coordinate
 23 near the center of scene. The coordinates were N 37 degrees x 28.264
 24 and W 121 degrees x 37. 661 and the elevation was approximately 2228'
 25 above sea level. Scene one was contained within an area of about 1200
 26 sq'. The length of the scene was about 67.44' spanning from West to
 27 East. The width was approximately 25' spanning North to South. See
 28 crime scene diagram for specific measurements and info.

29
 30 See Det. Shaheen's supplemental report for the photograph log showing

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 scene one.

2

3 For purposes of processing the scene more efficiently each CSI members
 4 and Criminalists were given specific tasks. The finders consisted of
 5 Det. Shaheen and me. Criminalist and Det. Tracey
 6 scribed. Criminalist measured the scene.

7

8 I had to establish a baseline bisecting scene one so we could gather
 9 accurate measurments of where items of evidence were located. The
 10 baseline was established using two trees at the east and west ends of
 11 the scene. Point A was positioned at N 37 degrees x 28.277 and W 121
 12 degrees x 37.688 and was approximately 2308¿ above sea level. Point B
 13 was N 37 degrees x 28.267 and W 121 degrees x 37.698 and
 14 approximately 2301¿ above sea level. The distance between points A
 15 and B was approximately 67.44¿. All of the measurements were taken by
 16 Criminalist from the baseline using a Leica digital laser
 17 meter. See Criminalist supplemental report and the crime scene
 18 diagram for specific details. We located seven .223 caliber shell
 19 casings at scene one. We finished processing the lower scene at
 20 approximately 1200 hours.

21

22 At approximately 1215 hours the CHP helicopter arrived overhead to
 23 begin the extraction process. One officer was lowered from the
 24 helicopter with a body bag and backboard. He immediately began
 25 placing the body into the bag and began securing the bag to the
 26 backboard. At approximately 1240 hours the body was lifted from the
 27 scene and transported back to the command post. See Det.
 28 Vandergraaf¿s supplemental report for further details of when the
 29 deceased¿s body arrived at the command post to be examined by the
 30 Coroner¿s Office Investigator .

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 At approximately 1300 hours our CSI Team regrouped back at scene one

3 for a briefing and a check of supplies and the welfare of everyone.

4 The steep terrain caused everyone to consume more water and

5 nourishment than we were able to carry into the scene. Fatigue was

6 setting in for everyone. SERT received the approval from their chain

7 of command to push forward into the gardens and secure them for

8 possible processing.

9

10 At approximately 1310 hours SERT arrived at the first garden. They

11 continued to move through all six gardens until they determined they

12 were secure. We were not able to enter the gardens because we did not

13 have enough supplies to ensure the health and welfare of everyone.

14 SERT located several items of evidence inside the gardens. They

15 gathered the evidence and brought it back to the staging area when

16 they were extracted from the grow via helicopter.

17

18 At approximately 1450 hours we began our hike out of the crime scene.

19 SERT Sgt. Lehmann, CSI Team members Tracey, Shaheen, Harrington,

20 Cardoza, me and Criminalists and arrived

21 back at the staging area at approximately 1515 hours. SERT members

22 Spagnola, Cannon, Delapena, Rizqualla, Simonson and Vasquez began

23 arriving via helicopter moments later. See Det. Cardoza's and

24 Tracey's supplemental reports for the items collected, where they

25 were collected and who collected the items from the grow.

26

27 At approximately 1545 hours we began our descent back to the command

28 post. We arrived back at the command post at approximately 1650

29 hours. I went off duty at 1900 hours. The evidence was transported

30 back to Sheriff's Office Headquarters by Det. Tracey and Vandergraaf.

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 See their supplemental reports for further information.

2

3 INVESTIGATION CONTINUED:

4

5 On 07-23-10, at approximately 0830 hours Det. Shaheen and I began
 6 processing all of the collected evidence. Det. Shaheen photographed
 7 the evidence while I scribed and packaged the items. Det. Vandergraaf
 8 and Tracey arrived later in the day to assist with the packaging of
 9 the evidence. We finished processing the evidence at approximately
 10 2000 hrs and secured all of the evidence inside the CSI evidence
 11 processing room until it could be booked into the evidence storage
 12 room.

13

14 PLEOS:

15

- 16 Det. S. Allen #1865 Sup
- 17 Det. S. Shaheen #1811 Sup
- 18 Det. S. Vandergraaf #1787 Sup
- 19 Det. S. Harrington #1744 Sup
- 20 Det. M. Tracey #1819 Sup

21

22 CRIMINALISTS:

23

- 24 Supervisor Assist only
- 25 Supervisor Assist only
- 26 Assist only
- 27 Sup

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 SUPPLEMENTAL INVESTIGATION:

2

3 On 07-21-10, I received a call from Detective Allen regarding a
 4 critical incident that required the Crime Scene Investigation Unit to
 5 respond to process evidence. We met with command staff members in the
 6 Headquarters briefing room and went over the details of the event so
 7 far. Deputies were in the area of Del Valle Rd and Mines Rd
 8 requesting assistance. Shots were fired and the tactical command post
 9 was set up in the campgrounds near the incident. We were told at
 10 least one suspect was shot and killed.

11

12 After the briefing, I responded in the CSI Van to the campground near
 13 the command post. I arrived at about 1338 hours. We staged the CSI
 14 Van and discussed our response to the scene. Currently, the scene was
 15 not secure. The updated information was that the incident was at
 16 least a 45 min. drive from our location. Due to the conditions of the
 17 road and off road area of the incident, we were not able to move the
 18 CSI Van closer to the incident.

19

20 Deputy Shaheen and I remained at the CSI Van with Crime lab personnel
 21 and Property Room Tech to collect the weapons
 22 from the deputy who fired his weapon during the incident. The rest of
 23 the CSI team went to the staging area closer to the crime scene.

24

25 At about 1720 hours, several members of the Fremont PD SWAT returned
 26 to the command post. We were instructed to take photos of the
 27 officers with their gear but not to take their weapons because none
 28 of them had fired their weapons during the incident. and I
 29 documented the following information:

30

OFFICER'S NAME Vandegraaf, Steven	ID NUMBER 1787	DATE 08/11/10 745	SHIFT/DAYS OFF 3 SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 08/11/10 910	PAGE 1	OF 6
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **Farruggia #1436 Rock Arms LAR-15**

2 **Mora #1642 Colt Arms Ar-15 A-3**

3 **Lydon #1727 HKMP5**

4 **Pope #441 Rock Arms LAR-15**

5 **Peterson 893 Remington Serial Number unknown**

6 **Ortiz #1458 Colt Arms Ar-15 A-3**

7

8 **After Deputy Shaheen took their photos, the officers left the area and**

9 **went to Sheriff's Headquarters for interviews.**

10

11 **At about 1852 hours, deputies Fontana, Damigo, and Dibert returned to**

12 **the command post. and I collected the**

13 **rifles of the three deputies because we were told all three had fired**

14 **their weapons. Deputy Shaheen took photos of the deputies with their**

15 **gear and weapons on their person. I checked with each deputy to**

16 **verify that the weapon they were holding was their issued weapons. I**

17 **also checked to see if the magazines in the weapons were the ones**

18 **when they fired them. Deputies Dibert and Fontanna performed tactical**

19 **reloads of their rifles. Deputy Damigo did not perform a tactical**

20 **reload. I also collected the magazines from the two above deputies**

21 **that were in the rifles during the incident.**

22

23 **Dibert #1694 Colt Arms AR-15 A3**

24 **Damigo #1690 Colt Arms AR-15 A3**

25 **Fontanna #1807 Colt Arms AR-15 A3**

26

27 **After collecting the weapons, and I processed**

28 **the rifles. We removed the magazines and unloaded the live rounds in**

29 **the chambers. We packaged the rifles in gun boxes and separated the**

30 **magazines and ammunition from the weapons by placing them in separate**

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 containers.

2

3 We stood by at the command post until the rest of the CSI team
 4 returned. Due the lateness of day and terrain where the body was, it
 5 was determined to be unsafe to remove the body until daylight. SERT
 6 members were assigned to guard the body until the next day. We packed
 7 up our equipment and left the command post area. I drove the CSI Van
 8 to the gas pumps to refuel. After refueling, I went to the warehouse
 9 to collect additional equipment to use the next day. I returned to
 10 Sheriff's Headquarters to secure the CSI Van. I concluded this
 11 portion of the investigation at 0100 hours.

12

13 On 07-22-10 at about 0600 hours, I returned to Sheriff's Headquarters
 14 and drove the CSI Van to the command post. I arrived at about 0700
 15 hours. I began to pull out CSI gear and placed them in travel packs
 16 to be used at the crime scene. I remained at the CSI van while the
 17 rest of team when to the crime scene.

18

19 The deputies who had maintained the crime scene log where scheduled to
 20 go off duty before their relief arrived. I took charge of the crime
 21 scene log to at about 1148 hours from Deputy Piazza #9321.

22

23 At about 1245 hours, I was notified that the body was being airlifted
 24 to the command post to be processed by the coroner's office. Sgt.
 25 Helms and members of the search and rescue team were also at the
 26 command post to assist with securing the body. The helicopter arrived
 27 and set the body down. We moved the body closer to CSI Van to take
 28 photos and examine the body. I took photos and assisted coroners
 29 investigator in examining the body. Investigator
 30 located several small air rifle pellets in the pocket as well

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 as a cellphone and lighter. Investigator turned these items
 2 over to me to collect as evidence.

3
 4 After examining the body, we loaded it into the coroner investigator's
 5 vehicle. Investigator left the scene with the body at about
 6 1345 hours. The body was logged as a Joe Doe with the seal #0062737.
 7 The Coroner case number was 10-02292.

8
 9 The CSI, Sert and Search and Rescue teams were back at the command
 10 post by 1650 hours. I released the crime scene and ended the log at
 11 that time. I later booked the crime scene log at Sheriff's
 12 Headquarters.

13
 14 We packed up our equipment and left the scene. I refueled the CSI van
 15 and returned to Sheriff's Headquarters. I restocked the used
 16 equipment and secured the van. We placed all of the evidence
 17 collected at the crime scene in the CSI processing area. I concluded
 18 this portion of the investigation at 1930 hours.

19
 20 On 07-23-10, I returned to Sheriff's Headquarters and assisted in
 21 processing the evidence at about 1400 hours. After packaging the
 22 evidence, I concluded my portion of this investigation at about 1930
 23 hours.

24
 25 PHOTO LOG:
 26 DSC_0001 to DSC_007 Photos of body in cover
 27 DSC_008 to DSC_0013 Photos of body uncovered
 28 DSC_0014 to DSC_0015 Photos of face of body
 29 DSC_0016 Photo of chest
 30 DSC_0017 Photo of pants

REPORT TYPE

[O] Officer Involved Shooting



SUPPLEMENTAL

Office of the Sheriff
Santa Clara County
NARRATIVE FORMCASE
NO.**10-202-0038E**

LOCATION OF ORIGINAL EVENT (IF KNOWN)

47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in
Livermore

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

- 1 DSC_0018 to DSC_0020 Photos of left side of body
- 2 DSC_0021 to DSC_0022 Photos of cell phone found in left pants pocket
- 3 DSC_0023 to DSC_0027 Photos of holes in pants
- 4 DSC_0028 to DSC_0031 Photos of holes in leg
- 5 DSC_0032 to DSC_0037 Photos of back side of body
- 6 DSC_0038 Photo of back of body
- 7 DSC_0039 to DSC_0044 Photos of holes in back of leg
- 8 DSC_0045 to DSC_0046 Photo of holes in back of pants
- 9 DSC_0047 to DSC_0049 Photos of holes in back on left side
- 10 DSC_0050 to DSC_0053 Photos of Search and Rescue Roster
- 11
- 12 P.L.E.O.¿s
- 13 Detective Vandegraaf 1787

OFFICER'S NAME

Vandegraaf, Steven

ID NUMBER

1787

DATE

08/11/10 745

SHIFT/DAYS OFF

3 SSM

SUPERVISORS REVIEW

Pugh, Jr., Luther C.

ID NUMBER

1343

DATE

08/11/10 910

PAGE OF

5 6

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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
--	--

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	<input type="checkbox"/>	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	
85	E		1	Crime Scene Log				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		from Del Valle Rd at Mines Rd			0	146202		<input type="checkbox"/>
DESCRIPTION Crime Scene log concluded on 06/22/10 collected by 1787								

--	--

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
--------------------	-------	---

RELEASE TO:	<input type="checkbox"/>	PERSON NAMED ABOVE	NAME	ADDRESS	CITY
	<input type="checkbox"/>	FOLLOWING NAMED PERSON			

WHO HAS BEEN NOTIFIED ON THE FOLLOWING 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
--------------------------	---------------	-------------	--------------------

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
---	-----------------------	-------------

<input type="checkbox"/> RELEASE TO:	NAME	ADDRESS	CITY
--------------------------------------	------	---------	------

WHO HAS BEEN NOTIFIED ON THE FOLLOWING 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
--------------------------	---------------	-------------	--------------------

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		
Vandegraaf, Steven	1787	08/11/10	745 3	SSM	Pugh, Jr., Luther C.	1343	08/11/10	910	6	6

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. <h1 style="margin:0;">10-202-0038E</h1>
"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER			
V02	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) Fontana Devin	<input type="checkbox"/> STATE OF CA	RACE White M <input checked="" 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: SCCSO 55 W. Younger Avenue		CITY/STATE: San Jose/CA ZIP: 95110 PHONE: (408) 808-4500 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 <input type="checkbox"/> F <input type="checkbox"/> DOB: _____ AGE: _____ HT: _____ WT: _____ INTERPRETER NEEDED: <input checked="" 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			
O02	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	<input type="checkbox"/> STATE OF CA	RACE M <input type="checkbox"/> F <input type="checkbox"/> DOB: _____ AGE: _____ HT: _____ WT: _____ INTERPRETER NEEDED: <input checked="" 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			
O03	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	<input type="checkbox"/> STATE OF CA	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 Alanis, Alfredo	ID NUMBER 1678	DATE 08/10/10 1101	SHIFT/DAYS OFF	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 08/12/10 826	PAGE 1	OF 25
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1 **INVESTIGATION:**

2

3 **Wednesday, 07/21/10**

4

5 **1037 hours.**

6

7 **Captain Pugh #1343 informed Sergeant Leon #1685 of an officer involved**
 8 **shooting (OIS) near the area of Mines Road and Del Puerto Canyon Road**
 9 **in unincorporated San Jose. We were informed that the Sheriff's**
 10 **Office Marijuana Eradication Team (MET) was involved, and that one**
 11 **person was deceased at the scene.**

12

13 **1040 hours.**

14

15 **I called Sergeant McAllister #1706 and Sergeant Quinonez #1644 and**
 16 **informed them of the shooting.**

17

18 **1055 hours.**

19

20 **Sergeant Leon notified the Santa Clara County Coroner's Office of this**
 21 **detail.**

22

23 **1058 hours.**

24

25 **We attended an OIS incident briefing at Sheriff's Headquarters, where**
 26 **Lieutenant Dalia Rodriguez provided us with the details known at the**
 27 **time.**

28

29 **At the meeting, we reviewed the MET scout plan, which indicated that**
 30 **the Santa Clara County Sheriff's Office personnel that were assigned**

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1 to the initial (MET) scouting mission included (V-01) Deputy Dibert
 2 #1694, (V-03) Deputy Damigo #1690, (V-02) Deputy Fontana #1807,
 3 (W-03) Sergeant Spagnola #1642, (W-02) Deputy Moore #1908 and (W-01)
 4 Deputy Amaro #9288.

5
 6 In addition to the involved Santa Clara County Sheriff's Office
 7 personnel, Alameda County Sheriff's Office also had six officers
 8 assigned to the initial detail. During the briefing, we were unsure
 9 who was actually involved in the shooting.

10
 11 Sergeant Davis #1751 prepared interview rooms at Sheriff's
 12 Headquarters.
 13
 14 Per County Communications, County Counsel was notified of the shooting
 15 at 1130 hours.

16
 17 1210 hours.
 18
 19 Sergeants McAllister, Leon, Quinonez, Elder #1792, and I responded to
 20 the scene in separate vehicles. At approximately 1213 hours, as I
 21 drove to the scene, I overheard a radio broadcast indicating that at
 22 least two additional suspects were outstanding.

23
 24 1320 hours.
 25
 26 We arrived at the Del Valle Campground. At this location, Alameda
 27 County Sheriff's Office Personnel were staging.

28
 29 1347 hours.
 30

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1 The Santa Clara County Sheriff's Office command post was established
 2 in a dirt parking lot just west of the Del Valle Campground.

3
 4 1400 hours.

5
 6 The investigative team and the CSI teams held a joint briefing.

7
 8 1420 hours.

9
 10 We met with Alameda County Sheriff's Office Sergeant David Dixon and
 11 Detectives Smyth, Gonzales, and Armijo.

12
 13 We decided that the involved officers would be transported to Santa
 14 Clara County Sheriff's Office Headquarters so they could be
 15 interviewed.

16
 17 1430 hours.

18
 19 Captain Unger, Captain Pugh and Lieutenant Camarda and Lieutenant Doty
 20 arrived at the Command Post.

21
 22 1445 hours.

23
 24 District Attorney Investigators Reyes and Sterner arrived at the
 25 Command Post.

26
 27 We met with Alameda County Sheriff's Deputy Gilkerson #1263. He
 28 informed us that the area where the involved officers' vehicles are
 29 located, is approximately 6 miles from our current location. He
 30 indicated four-wheel drive vehicles would be needed. He further

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1 indicated that once we arrived at the parked vehicles, we would still
 2 need to hike an additional thousand yards to reach the deceased
 3 suspect.

4
 5 1715 hours.

6
 7 Sergeant McAllister and I arrived at the location the where the
 8 involved officers parked their vehicles prior to beginning their
 9 scouting mission. We met briefly with Deputies (V-01) Dibert, (V-02)
 10 Fontana, and (V-03) Damigo at this location. We were given details
 11 on which path we would need to take in order to reach the location
 12 where the actual shooting occurred.

13
 14 1730 hours.

15
 16 Sergeant McAllister, CSI Detective Allen, Criminalist , DA
 17 Investigator , and I hiked to the shooting scene.

18
 19 1754 hours.

20
 21 We arrived at scene one, which was on the south bank of the Sycamore
 22 creek. Scene one was cordoned off with crime scene tape. Securing
 23 the scene were several SERT members. SERT Member Sergeant Simonson
 24 showed me the area that (V-01) Dibert and (V-02) Fontana were
 25 standing when they fired their weapons. The area they shot from was
 26 within scene one, and was also cordoned off with crime scene tape.

27
 28
 29 Sergeant Simonson pointed toward the north bank and I could see the
 30 deceased suspect. He appeared to be covered with a blue tarp.

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1 Sergeant Simonson told me that the distance between the deceased
 2 suspect and the area from which (V-01) Dibert and (V-02) Fontana
 3 fired from was an estimated 40 meters.
 4

5 The terrain where the deceased suspect was laying was very steep, and
 6 appeared to be made up of loose shale. I was informed by Sergeant
 7 Simonson that (V-03) Damigo also fired at the suspect, but the
 8 position he fired from was on the north bank, in an area above the
 9 suspect's body. I was told that the area where (V-03) Damigo fired
 10 from was also cordoned off with crime scene tape. Due to the canopy
 11 of tree branches obstructing my view, from my position on the south
 12 bank, I was unable to see (V-03) Damigo's shooting position.
 13

14 1835 hours.

15

16 We left scene one and hiked back to our vehicles.
 17

18 1852 hours.

19

20 We were back at our vehicles.
 21

22 1930 hours.

23

24 We met with CSI members and were informed that SAR was going to
 25 attempt to remove the deceased suspect from his current location
 26 today.
 27

28 2105 hours.

29

30 Briefing held at Sheriff's Headquarters.

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1

2 2245 hours.

3

4 Sergeant McAllister and I interviewed (V-01) Dibert. Please read
 5 Sergeant McAllister's report for (V-01) Dibert's statement.

6

7 2358 hours.

8

9 Sergeant McAllister and I interviewed (V-02) Fontana. Sergeant
 10 McAllister explained to (V-02) Fontana that he was not under arrest,
 11 and that he was only providing a voluntary statement as a witness in
 12 this investigation. (V-02) Fontana confirmed that he had adequate
 13 time to speak with his attorney, , and was willing to
 14 speak with us. was present for the interview. The
 15 following is a summary of his statement. For the complete statement,
 16 please listen to the recorded statement.

17

18 STATEMENT OF (V-02) DEVIN FONTANA: (Summary)

19

20 Prior to coming to the Sheriff's Office, (V-02) Fontana worked for the
 21 Alameda County Sheriff's Office for 2-1/2 years. (V-02) Fontana has
 22 been employed by the Santa Clara County Sheriff's Office for 8 years
 23 as a Deputy. He is currently assigned as a training officer for new
 24 recruits at the Sheriff's Office Academy, an assignment he has had
 25 for the past nine months. In addition to prior experience as a
 26 patrol officer, (V-02) Fontana was previously assigned to the
 27 Marijuana Eradication Team (MET), an assignment he held for four
 28 years. (V-02) Fontana's partner while on the MET team was (V-01)
 29 Dibert. (V-02) Fontana is also a current member of the Sheriff's
 30 Office SERT team, a position he has held for 6 years. He has also

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1 been a sniper for the team for 4 years. (V-02) Fontana is currently
 2 range qualified, having qualified approximately one week ago.
 3
 4 (V-02) Fontana's work week began on Saturday, 07/17/10 from 0800 to
 5 1700 hours. On that date his responsibilities involved teaching new
 6 recruits how to drive a patrol car.
 7
 8 On Monday, 07/19/10, he worked at the Academy. His shift was from
 9 1700 hours to 2200 hours. He assisted recruits with scenario
 10 practice training.
 11
 12 On Tuesday, 07/20/10, he worked at the Academy from 0700 to 1700
 13 hours. His day consisted of an early inspection and scenario
 14 training. Nothing out of the ordinary occurred during any of (V-02)
 15 Fontana's work days prior to this OIS.
 16
 17 (V-02) Fontana went to bed on Tuesday, 07/20/10 at 2100 hours and woke
 18 up at 0400 hours on Wednesday morning.
 19
 20 (V-02) Fontana began his current shift on today's date, 07/21/10, at
 21 0500 hours at the Sheriff's Office Headquarters parking lot. When he
 22 arrived at Sheriff's Headquarters at approximately 0450 hours, (W-03)
 23 Sergeant Spagnola, (V-03) Detective Damigo, (W-02) Deputy Moore and
 24 (W-01) Deputy Amaro were already waiting.
 25
 26 (V-02) Fontana knew that the team which consisted of (W-03) Sergeant
 27 Spagnola, (V-03) Damigo, (W-02) Moore, (W-01) Amaro, (V-01) Dibert
 28 and himself were going to Livermore to meet with Alameda County
 29 Sheriff's Deputies. Together, they were going to examine a water
 30 line on the N3 Ranch in the area believed to be on the Alameda side

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1 of the county line.

2

3 While the Santa Clara County Sheriff's Office Personnel were still at
 4 Sheriff's Headquarters, a briefing was not conducted, as the plan was
 5 to have the briefing at the Livermore Police Department parking lot
 6 with the Alameda County Sheriff's Deputies.

7

8 The team drove to Livermore in two separate vehicles. (W-03)
 9 Spagnola, and Deputies (V-02) Fontana, (V-01) Dibert and (V-03)

10 Damigo drove to Livermore in the vehicle assigned to the MET team,
 11 while Deputies (W-02) Moore and (W-01) Amaro drove to Livermore in a
 12 marked patrol car. The team arrived in Livermore at 0610 hours.

13

14 After both the Santa Clara County Sheriff's Office team and Alameda
 15 County Sheriff's Office team were suited up, a briefing was
 16 conducted. At the briefing, two separate plans were covered. The
 17 Santa Clara County Sheriff's Office plan was a very basic scout plan,
 18 and only included assigned personnel and maps.

19

20 Since the Alameda County Sheriff's Office were in direct contact with
 21 the staff of the N3 Ranch, they had all the background information
 22 which included everything that had been occurring at the ranch. The
 23 Alameda plan was a very detailed operations plan, which covered
 24 contingency plans. (V-02) Fontana said the contingency plan is a
 25 standard page, which covers what to do if a suspect barricades
 26 himself and what to do if someone is injured or shot. (V-02) Fontana
 27 said that the team always discusses rules of engagement in the event
 28 a suspect is located which includes a discussion on Sheriff's Office
 29 Policy.

30

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1 (V-02) Fontana is familiar with the N3 Ranch, as he has assisted
 2 Alameda County Sheriff's Deputies there on at least 20-30 prior
 3 investigations involving illegal marijuana cultivation. (V-02)
 4 Fontana did not specify if illegal marijuana grows were located on
 5 each prior occasion.

6

7 Once the briefing was completed, the teams consolidated into three
 8 vehicles and drove to the N3 Ranch where they met with the ranch
 9 manager. They studied maps of the area and discussed the remoteness
 10 of the location. They estimated that if they were to hike in from
 11 the roadway, it would take at least 18 hours. They also discussed
 12 ways to get the marijuana back once it was located, and how long it
 13 would take to drive to the area, and where they could park their
 14 vehicles. They discussed leaving one car at the bottom of the
 15 mountain so that when they returned, instead of hiking back to their
 16 vehicles, they could drive back to their vehicles which would be left
 17 at the top of the mountain. Once the plan was in place, they
 18 followed a ranch-hand out to the site. They parked their vehicles,
 19 and after suiting up, discussed the plan on locating the black pipe
 20 that was seen by ranch-hands. The teams waited for the personnel
 21 that were parking the vehicle on the bottom of the hill to return to
 22 their location at the top of the hill. Once they arrived, the teams
 23 began their hike in search of the black pipe.

24

25 (V-03) Damigo was the case agent for the detail, and therefore
 26 directed team members as to what their specific assignments and
 27 responsibilities would be. (V-03) Damigo assigned (V-02) Fontana and
 28 (V-01) Dibert to be in the front of the teams as they hiked to the
 29 pipe. Their assignment included looking for any suspects and for the
 30 waterline, and or any marijuana cultivation, or manmade trails used

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1 by suspects. When they were approximately 75 yards from where they
 2 parked their vehicles, they located the pipe. After following the
 3 pipe for approximately 150 yards, they located a trail that (V-02)
 4 Fontana believed to be a manmade trail. The trail was headed along
 5 the waterline.

6

7 As they followed the waterline and trail, he and (V-01) Dibert were in
 8 front of the teams. Several times, (V-02) Fontana and (V-01) Dibert
 9 switched lead positions. (V-02) Fontana explained that lead changes
 10 would occur when one deputy would stop to analyze something he may
 11 have seen off to one side, and the second deputy would continue
 12 hiking, thus overtaking and passing the deputy that had stopped.
 13 (V-02) Fontana said that type of process continued many times
 14 throughout the hike.

15

16 The waterline or pipe was mainly in the creek bed for approximately
 17 250 yards, at which point it started to go uphill and away from the
 18 creek bed up the south bank of the creek.

19

20 (V-02) Fontana, (V-01) Dibert and (W-03) Spagnola began following the
 21 waterline up hill. The remainder of the team remained in the creek
 22 bed.

23

24 (V-02) Fontana said they followed the waterline up the hill for a
 25 little while, and explained that they had to move slowly because once
 26 they were off the suspect trail, the leaves and branches make a lot
 27 of noise. (V-02) Fontana said that making noise is dangerous because
 28 noise could give away their position to possible suspects that could
 29 have been within close proximity.

30

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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1 (V-02) Fontana said he reached a point where he ended up being quite
2 far in front of the team. At that point, he heard a loud crash, such
3 as branches breaking. The noise was coming from the north bank of
4 the stream. (V-02) Fontana said that the type of noise he heard is
5 common when hiking, because sometimes when hiking, the noises made
6 will frighten an animal such as a deer. As the animals run away,
7 they crash through branches.

8

9 (V-02) Fontana stopped moving and began looking around to see if he
10 could identify what made the noise. A second or two later, (V-01)
11 Dibert announced over the radio that he wanted to the whole team to
12 stop so that they could assess what made the noise. A few seconds
13 later, (V-02) Fontana heard more noise coming from the same area
14 which was slightly to his left. At the time, (V-02) Fontana had been
15 walking eastbound on the south bank of the river. (V-02) Fontana now
16 heard something across the river, on the north bank moving westbound
17 and approaching his location.

18

19 (V-02) Fontana did not know what was approaching his location, but a
20 few seconds later, he identified that the noises were coming from a
21 person. At that point, (V-02) Fontana could only see the suspect's
22 legs moving. The suspect was later identified as (S-01) Jose
23 Penalzoza Soto. Since (V-02) Fontana was close to the suspect, he was
24 concerned the suspect would hear him or see him if he spoke too
25 loudly into his radio. With that fear in mind, he whispered into his
26 radio to alert his team that he saw a suspect. (V-02) Fontana does
27 not know if his team heard the transmission since he never heard a
28 response.

29

30 (V-02) Fontana correlated the moving legs with the sounds he was

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1 hearing. There was a lot of tree covering between (V-02) Fontana and
 2 the approaching suspect, but (V-02) Fontana was trying to determine
 3 if he could recognize the approaching suspect. (V-02) Fontana
 4 thought the approaching suspect could have possibly been a team
 5 member that somehow managed to get ahead of the team, or even a
 6 ranch-hand. (V-02) Fontana said sometimes ranch-hands ignore advice
 7 to stay away from the area the team is scouting.

8
 9 (V-02) Fontana said that as soon as the suspect was ¿Out in the open¿
 10 a phrase that meant (V-02) Fontana had a clear view of the suspect¿s
 11 upper body, (V-02) Fontana heard a loud bang. (V-02) Fontana did not
 12 know if the bang came from the subject or from one of his team
 13 members, but he did describe the bang as a gunshot.

14
 15 (V-02) Fontana said the suspect continued walking a few more feet,
 16 then stopped. At this point, (V-02) Fontana moved to a position
 17 further ahead so that he could see the suspect more clearly. (V-02)
 18 Fontana was looking northbound across the stream. The suspect was a
 19 Hispanic male and he was wearing a tee-shirt and pants which (V-02)
 20 Fontana believed to be dirt or green/brown colored. (V-02) Fontana
 21 saw the suspect had a rifle slung on his right side, but he could not
 22 tell if it was slung around the suspect¿s neck or shoulder.

23
 24 (V-02) Fontana was certain there was something holding the long rifle
 25 just above his waist, possibly just under his rib-cage. The muzzle
 26 of the weapon was pointing in front of the suspect, westbound, while
 27 the buttstock was pointed to the rear, eastbound.

28
 29 (V-02) Fontana immediately began shouting commands at the suspect.
 30 (V-02) Fontana shouted ¿Sheriff¿s Office, put your hands up.¿ The

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1 suspect complied by putting his hands up. (V-02) Fontana shouted in
 2 English and in Spanish, ¿Sheriff¿s Office, Don¿t move.¿ ¿Oficina Del
 3 Sheriff, No se Mueva.¿ (V-02) Fontana is not fluent in Spanish, so
 4 that is the only Spanish phrase he shouted.

5
 6 (V-02) Fontana said he wanted to make sure that the suspect didn¿t
 7 move toward the weapon. (V-02) Fontana could hear other officers
 8 shouting that they could see the gun. (V-02) Fontana shouted, ¿Don¿t
 9 reach for the weapon.¿ The suspect¿s hands were still in the air,
 10 when (V-02) Fontana noticed the suspect was holding an unknown object
 11 in his left hand. (V-02) Fontana shouted at the suspect, asking him
 12 to drop the item from his left hand. He also yelled at the suspect
 13 instructing him to keep his hands up.

14
 15 (V-02) Fontana noticed the suspect looked straight at him, and then
 16 down into the creek bed. (V-02) Fontana thought the suspect was
 17 evaluating where he was hearing the voices come from and evaluating
 18 what was around him. (V-02) Fontana yelled at the suspect to drop
 19 the item from his left hand, and then yelled down at (V-03) Damigo,
 20 who was in the creek, telling him to get some officers together and
 21 go put hand cuffs on the suspect.

22
 23 (V-02) Fontana explained that they were not in a position to do what
 24 they normally do when making an arrest. He said that it¿s a very
 25 unusual circumstance to have to arrest someone that still has a long
 26 rifle slung to their body. Additionally, (V-02) Fontana said that
 27 the suspect was standing on a very steep hillside. (V-02) Fontana
 28 said it was his hope and desire to keep the suspect where he was and
 29 have him not move until an arrest team could affect an arrest.

30

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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1 (V-02) Fontana told (V-01) Dibert that they needed to get some
2 officers over to where the suspect was so that the arrest could be
3 made. (V-02) Fontana clearly saw through his rifle scope that the
4 suspect obeyed his commands up until the request to drop the item he
5 was holding in his left hand. (V-02) Fontana said the suspect was
6 smirking and smiling. The suspect's body was facing westbound, but
7 his head was turned toward (V-02) Fontana. (V-02) Fontana thought
8 that at that time, deputies were already climbing up the hill to
9 affect the arrest.

10

11 (V-02) Fontana said the suspect made no telegraphing movements, and
12 then suddenly dropped his right hand to the buttstock of the rifle.
13 The suspect followed with his left hand toward the barrel of the gun
14 to support it. (V-02) Fontana said the suspect simultaneously
15 turned his body to his left, but not all the way toward him, (V-02)
16 Fontana. (V-02) Fontana said the suspect turned his body toward the
17 deputies that were in the creek. (V-02) Fontana believed the suspect
18 was going to fire his weapon at the deputies that were in the creek.
19 (V-02) Fontana said he was more concerned with the suspect's right
20 hand because he knows a person can fire a weapon with the right hand.

21

22

23 (V-02) Fontana said that the suspect had a great tactical position on
24 him, (V-02) Fontana. (V-02) Fontana said the suspect was well above
25 the deputies who were in the creek. The deputies in the creek had no
26 where to go since they were in a steep ravine and surrounded by rock.
27 (V-02) Fontana said the only avenue of escape for the deputies in
28 the creek would be to turn and run, but (V-02) Fontana did not know
29 if the deputies in the creek could see the suspect. (V-02) Fontana
30 believed that he had the team's best position to observe the suspect.

OFFICER'S NAME Alanis, Alfredo	ID NUMBER 1678	DATE 08/10/10 1101	SHIFT/DAYS OFF	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 08/12/10 826	PAGE 15	OF 25
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2

3 (V-02) Fontana fired at least three rounds from his department issued

4 AR-15 semi-automatic rifle at the suspect because he was afraid the

5 suspect was going to seriously injure or kill one of his partners, or

6 himself. (V-02) Fontana said that at the same time he fired his

7 weapon, he heard gunfire coming from the area he now knows (V-01)

8 Dibert was standing. (V-02) Fontana said (V-01) Dibert was standing

9 just behind his location and to his right. (V-02) Fontana saw the

10 suspect fall in the same location he was initially standing at. The

11 suspect fell behind grass, and (V-02) Fontana lost sight of him, but

12 he could see grass moving.

13

14 (V-02) Fontana said that based on his experience and training as a

15 sniper, he is well aware that from the prone position, a weapon can

16 be moved through a few blades of grass enabling a sniper to shoot

17 people without ever being seen. Based on that experience, and the

18 fact that the grass was moving in the area where the suspect went

19 down, (V-02) Fontana advised his fellow officers to be careful and to

20 move out wide as they moved toward the suspect. (V-02) Fontana

21 yelled at the suspect in both Spanish and English, ¿Sheriff¿s Office,

22 stop moving.¿

23

24 (V-02) Fontana said he knew that (V-03) Damigo and (W-01) Amaro were

25 now above the suspect and moving down toward him. (V-02) Fontana

26 heard (V-03) Damigo shout, ¿Stop moving,¿ ¿Don¿t move.¿ (V-02)

27 Fontana then heard ¿A bunch of gunfire.¿ He estimated he heard

28 approximately five rounds.

29

30 (V-02) Fontana then saw (V-03) Damigo and (W-01) Amaro move down

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 toward the suspect. (V-02) Fontana assumed that they secured the
2 suspect. (V-02) Fontana said he heard (W-01) Amaro rendered medical
3 treatment and that (V-03) Damigo used the Satellite phone in an
4 effort to get medical treatment for the suspect.

5
6 (V-02) Fontana told (V-01) Dibert that when he heard the first shot,
7 he also heard someone else behind the suspect. He believed the noise
8 sounded like someone else was initially walking with the suspect. He
9 thought the unknown noise could have been caused by another person
10 crunching through the same area where the initial loud noises came
11 from. (V-02) Fontana said that after he heard the first shot, he
12 heard the noise sound like it was moving away from the suspect,
13 heading eastbound.

14
15 (V-02) Fontana stated that (V-01) Dibert then told him that he also
16 heard noises, but that the noises were coming from the same side of
17 the creek that they were on. He thought the noises he heard were
18 coming from the Southside of the creek bed just east of their
19 location. It sounded like someone was running away.

20
21 Based on that information, (V-02) Fontana and (V-01) Dibert covered
22 each other while they completed a tactical reload. They then
23 repositioned to a large oak tree which they used for
24 cover/concealment where they covered their partners to be prepared in
25 the event additional suspects would return to the area. (V-02)
26 Fontana anticipated there would be additional suspects, and he
27 anticipated they would return. They remained by the oak tree until
28 Sergeant Spagnola asked them to cover the opposite side, to provide
29 coverage from the westerly direction.

30

OFFICER'S NAME Alanis, Alfredo	ID NUMBER 1678	DATE 08/10/10 1101	SHIFT/DAYS OFF	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 08/12/10 826	PAGE 17	OF 25
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 (V-02) Fontana never heard the suspect say anything, but he thinks he
 2 may have heard him murmuring. (V-02) Fontana was injured during the
 3 shooting. He informed us that his right ear feels like he lost half
 4 of his hearing, and something also got into his right eye, causing it
 5 pain. (V-02) Fontana said he would go to his own doctor in the
 6 morning to have the injuries examined.

7
8

9 07/22/10.

10

11 0110 hours.

12

13 Sergeant McAllister and I interviewed (V-03) Damigo. Please read
 14 Sergeant McAllister's report for (V-03) Damigo's statement.

15

16 Friday, 07/23/10.

17

18 I received an email from Sergeant Leon requesting I call him at home.
 19 I called Sergeant Leon and he informing me that Alameda County
 20 Sheriff's Office received a telephone call from possible concerned
 21 family members of the deceased suspect. Sergeant Leon said that the
 22 possible suspect's family members learned of the officer involved
 23 shooting by watching the news. The family members realized that they
 24 had not seen their relative (S-01) Jose Penaloza Sota in a while, and
 25 thought that the deceased suspect might be him. Sergeant Leon said
 26 that per the family, (S-01) Jose's cellular telephone number is

27
28

29 Sergeant McAllister attended the deceased suspect's autopsy. At the
 30 autopsy, the suspect's finger prints were obtained and sent to the

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Sheriff's Office Latent print examiner so they could be compared
 2 against finger prints already on file for (S-01) Jose. The results
 3 of the comparison confirmed that the deceased suspect is (S-01) Jose.

4
 5
 6 In order to make the death notification, Sergeant McAllister and I
 7 drove to _____ and met with (S-01) Jose's brother, (O-02)
 8 his sister-in-law, (O-03) _____ and (O-01) _____.

9
 10 STATEMENT OF (O-02)

11
 12 (O-02) _____ is (S-01) Jose's younger brother. (S-01) Jose was born
 13 in Mexico, and first started living in the United States
 14 approximately eleven years ago. When (S-01) Jose and (O-02)
 15 first came to the United States, (S-01) Jose got a job as a
 16 landscaper. The landscaper's office was in San Francisco. (S-01)
 17 Jose and (O-02) _____ were given permission to live at the employer's
 18 office which was located at _____ San Francisco.

19
 20 Approximately three years ago, (O-02) _____ moved to East Palo Alto.
 21 (S-01) Jose remained living in San Francisco and working for the same
 22 employer. Approximately two years ago, (S-01) Jose left San
 23 Francisco and started staying with his sister (O-01)

24
 25 (O-02) _____ said that his sister (O-02) _____ moved to her current
 26 address of _____ on 6/30/10. When she moved, (S-01) Jose
 27 stopped living in her house, but he would still stay there for a few
 28 days once in a while.

29
 30 (O-02) _____ last saw his brother (S-01) Jose on Thursday, 07/15/10.

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 On that date, (S-01) Jose visited with (O-02) at (O-02)
 2 residence from 1200 hours to 1300 hours. (O-02) did not notice
 3 how (S-01) Jose arrived at his house. (S-01) Jose does not have a
 4 vehicle, but will typically use one of (O-01) vehicles.
 5 Currently, none of the family member;s cars are missing, so (O-02)
 6 does not know how (S-01) Jose arrived at the Livermore
 7 Mountains. Although (S-01) Jose does not live with him, and only
 8 stays at (O-01) residence a few days per week, (S-01) Jose
 9 never fails to keep in touch. (S-01) Jose usually has contact with
 10 family members within three days.

11
 12 (O-02) said that during the visit, (S-01) Jose did not mention
 13 his intentions of going back to work at the Livermore Mountains.
 14 (S-01) Jose did say he was going to visit (O-01) (O-02)
 15 does not know if (S-01) Jose ever made it (O-01)
 16 house.

17
 18 (O-02) said that when they watched the news broadcast detailing
 19 the officer involved shooting, he realized that he had not seen his
 20 brother since 7/15/10. He confirmed that his other family members
 21 had also not seen (S-01) Jose since 7/15/10, so the family became
 22 concerned that the deceased suspect may have been his brother (S-01)
 23 Jose.

24
 25 (O-02) did not know for certain if his brother was involved in
 26 illegally growing Marijuana, but he did have his suspicions. (O-02)
 27 said that approximately three months ago, (S-01) Jose told him
 28 that he was working up in the Livermore Mountains. (W)
 29 wondered what (S-01) Jose could be doing up in the mountains. (O-02)
 30 did not ask him what type of work he was doing or who he was

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 working with.

2

3 (O-02) said he did not ask (S-01) what he was doing,

4 because he felt that was (S-01) Jose's business. (O-02) said

5 (S-01) Jose did not tell them about his activities because (S-01)

6 Jose knew his family members would not approve. (O-02) said he

7 imagined that (S-01) Jose was involved in illegally growing Marijuana

8 but he never asked. (O-02) believed if he would have asked

9 (S-01) Jose about his activities, (S-01) Jose would have told him it

10 was none of his business.

11

12 (S-01) Jose has a two year old daughter named but (O-02)

13 does not know how to contact or the mother. (O-02)

14 has only seen on two prior occasions, the last time

15 occurring approximately six months ago. (O-02) has met

16 mother once at a family function, and only knows her by

17 her nickname of According to (O-02) (S-01) Jose and

18 are not married. (S-01) Jose understands a little English, but

19 cannot speak it.

20

21 (O-02) told us that (S-01) Jose is a very calm person. He

22 described his brother as having a very serious personality, but to

23 his knowledge is not depressed. (O-02) inquired about the

24 shooting, and asked what type of weapon his brother pointed at the

25 officers. (O-02) told us that (S-01) Jose used to carry a

26 pellet gun. (O-02) told me that (S-01) Jose would not be

27 stupid enough to confront the police with a pellet gun.

28

29 STATEMENT OF (O-01) (Summary)

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 (S-01) Jose came to the United States when he was only 17 years old.
 2 Upon his arrival, he obtained a job as a gardener and was living with
 3 his employer in San Francisco. While (S-01) Jose was living in San
 4 Francisco, he would drive his employer's truck to East Palo Alto to
 5 visit with (O-01)

6
 7 (S-01) Jose has never lived with (O-01) but he would stay at
 8 her house on the weekend. (O-01) does not have any of (S-01)
 9 Jose's belongings. Approximately one month ago she asked (S-01) Jose
 10 if he was still living in San Francisco. (S-1) Jose answered by
 11 saying that he wasn't, and that he was now working in Livermore.

12
 13 (Officer Note) During this interview, (O-03) interjected that
 14 the family believes (S-01) Jose stopped living in San Francisco
 15 approximately one year ago.

16
 17 On Thursday, 07/15/10, (S-01) Jose arrived at (O-01) house at
 18 1800 hours, and stayed the night at her residence. (O-01)
 19 noticed he had a rifle and asked about it. (S-01) Jose told her the
 20 rifle was not illegal and that he uses it to shoot quail because
 21 Livermore is a ranch. (O-01) said she did not know who (S-01)
 22 Jose was working with in Livermore, or how he would get to Livermore.
 23 She also did not know what type of work he was doing in Livermore.
 24 (O-01) said if she had asked (S-01) Jose who he was working
 25 with in Livermore, she would currently be searching for that person.
 26 While (S-01) Jose was visiting, he did not tell (O-01) when
 27 he was leaving.

28
 29 On the morning of Friday, 07/16/10, (O-01) left to work early
 30 in the morning, and noticed that (S-01) Jose was still sleeping.

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 When she returned from work at 1600 hours, (S-01) Jose was already
 2 gone. (S-01) Jose did not leave a note letting her know of his
 3 intended destination. Although (S-01) Jose did tell her that he
 4 works in Livermore, she did not know which days of the week he worked
 5 there.

6
 7 (O-01) described her brother as a very serious person. Even
 8 growing up, he was always the quiet type. (S-01) Jose always kept to
 9 himself. She is aware that he has a daughter, but due to (S-01) Jose
 10 keeping everything to himself, she has no way to contact (S-01)
 11 Jose's daughter or his daughter's mother. (O-01) does not
 12 know the name of (S-01) Jose's girlfriend, or the identity of any of
 13 his friends. She said (S-01) Jose was always alone. (S-01) Jose
 14 never brought any of his friends to visit the family.

15
 16 According to (O-01) (S-01) Jose's prior employer in San
 17 Francisco only spoke English. She said (S-01) Jose only spoke
 18 limited English, but he was able to communicate with his employer's
 19 clients. She never asked (S-01) Jose if he ever studied English in
 20 the United States. (S-01) Jose's highest level of education was when
 21 he completed the 6th grade in Mexico.

22
 23 (O-01) said that their mother was very Catholic and always
 24 taught them that God considers marijuana to be a crime. She said
 25 that because of the upbringing, (S-01) Jose knew that his working
 26 with marijuana was wrong, and he would never disclose to the family
 27 what he was doing.

28
 29 INVESTIGATION CONTINUED:

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **Wednesday, 07/28/10.**

2

3 **I prepared a Search Warrant to obtain (S-01) Jose's cellular telephone**
 4 **records. The Search Warrant was signed by Judge Hyman and filed with**
 5 **the Court Clerks. I forwarded the Search Warrant to Verizon**
 6 **Wireless. (Results Pending.)**

7

8 **Friday, 08/06/10**

9

10 **Sergeant McAllister and I determined that we had several follow-up**
 11 **questions for (V-01) Dibert, (V-02) Fontana, and (V-03) Damigo. We**
 12 **individually met with the involved deputies at Sheriff's Headquarters**
 13 **and completed the follow-up interviews. Their Attorney,**
 14 **was present for each interview.**

15

16 **1055 hours.**

17

18 **(V-02) Fontana agreed to provide the following statement.**

19

20 **STATEMENT OF (V-02) DEVIN FONTANA:**

21

22 **Standard operating procedure concerning loaded magazines for the AR-15**
 23 **rifle is to load them with 30 rounds. (V-02) Fontana said that they**
 24 **always have 30 rounds, but in this instance he cannot be certain if**
 25 **the magazines were fully loaded to 30 because he did not load his own**
 26 **magazines. (V-02) Fontana did not attend the previous SWAT training**
 27 **day which was held approximately one month ago. In order to expedite**
 28 **the process, (V-02) Fontana's fellow SERT team members loaded his**
 29 **magazines for him, following the last training day.**

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 (V-02) Fontana was in a standing unsupported position when he fired

3 his weapon. (V-02) Fontana did not notice for sure whether or not

4 any of his fired rounds impacted (S-01) Jose, but he did see (S-01)

5 Jose fall to the ground. As soon as (S-01) fell to the ground,

6 (V-02) Fontana could hear the suspect moaning. (V-02) Fontana did

7 not notice at what point the suspect stopped moaning.

8

9 All modifications that were previously made to (V-02) Fontana's AR15

10 were done by the Sheriff's Office range master, (W-03) Spagnola.

11 Prior modifications to (V-02) Fontana's AR-15 included attachments

12 such as a flashlight, scope, collapsible stock, a grip on the front

13 of the rifle that points to the ground, and camouflage paint.

14

15 INVESTIGATION CONTINUED:

16

17 Tuesday, 08/10/10.

18

19 I called (O-03) _____ and informed her that (S-01) Jose's

20 name was going to be released to the media. She understood and did

21 not object.

22

23 INVESTIGATION IS CONTINUED:

24

25 PLEOS:

26

27 Sgt. Alanis #1678 Supplemental Report.

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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
--	--

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	<input type="checkbox"/>	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
89	E		1	CD			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

55 W. Younger (From Sergeant Cardoza) 0 146064

DESCRIPTION **CD of photographs taken by Santa Clara County Crime Lab.**

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 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	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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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
McAllister, P	1706	08/06/10 1525	II SSM	Wise, Edward W.	1639	08/06/10 1630	1	1

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 On July 30, 2010, I was asked to retrieve the call history, contact
 2 lists, photographs and test messages from a cell phone that had
 3 belonged to S01 Penaloza-Soto. Sgt. McAllister brought the phone to
 4 me and I connected it to my department issued digital forensic laptop
 5 . The computer was booted into Windows 7
 6 Professional and running normally. I opened Susteen Secure View 2
 7 Version 2.3.0 cell phone forensics software. Using the supplied USB
 8 connector Susteen part number TX-MTCr.1 I connected the LG VX5600
 9 Cell phone to the computer.

10
 11 The phone was connected and communicating with the forensics software
 12 correctly. The data download was started at approximately 0956 hours
 13 and was it completed at 1005 hours.

14
 15 The following phone information was retrieved from the cell phone:

- 16
- 17 Country: US
- 18 Phone Make: LG
- 19 Phone Model: VX5600 (Accolade)
- 20 Phone Number:
- 21 ESN/IMEI/MEID:
- 22 Wireless Carrier: Verizon
- 23

24 I made two CDs containing the recovered data. I gave one to Sergeant
 25 McAllister and I booked the other one in to evidence at the Sheriff's
 26 Office.

27
 28 I returned the phone to Sergeant McAllister on July 30, 2010 at
 29 approximately 1045 hours.

30

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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- 1 **PLEO**
- 2
- 3 **Deputy Kubik 1892 - Supplemental report.**

OFFICER'S NAME Kubik, Douglas	ID NUMBER 1892	DATE 08/06/10 1127	SHIFT/DAYS OFF	SUPERVISORS REVIEW Wise, Edward W.	ID NUMBER 1639	DATE 08/06/10 1631	PAGE 2	OF 3
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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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
--	--

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	
88	E		1	CD				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
					0	146061		<input type="checkbox"/>
DESCRIPTION CD containing the phone information from Item #61 a LV VX5600 Verison cell phone								

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
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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 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
Kubik, Douglas	1892	08/06/10 1127		Wise, Edward W.	1639	08/06/10 1631	3	3

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **INVESTIGATION:**

2

3 On 07-29-2010, at approximately 0600 hours, deputies from the Santa

4 Clara County Sheriff's Office, Alameda County Sheriff's Office, and

5 officers from California Department of Justice (CAMP) eradicated a

6 series of six marijuana gardens on the N3 Ranch located in

7 unincorporated Santa Clara County. A total of 18,342 plants were

8 eradicated and transported out of the gardens.

9

10 The gardens were located at the following coordinates:

11

12 **Garden 1:**

13

14 N 37-28-263¿

15 W 121-37-701¿

16

17 **Garden 2:**

18

19 N 37-28-212¿

20 W 121-37-424¿

21

22 **Garden 3:**

23

24 N 37-28-019¿

25 W 121-37-272¿

26

27 **Garden 4/Campsite 1:**

28

29 N 37-28-019¿

30 W 121-37-272¿

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 **Garden 5:**

3

4 **N 37-27-960¿**

5 **W 121-37-251¿**

6

7 **Garden 6/Campsite 2:**

8

9 **N 37-27-823¿**

10 **W 121-37-056¿**

11

12 **The camps contained trash, tools, clothing, chemicals and stockpiles**

13 **of food. The unknown suspects tapped in a natural spring and**

14 **transported the water to the garden using a flexible black hose.**

15

16 **The marijuana was planted in rows under the tree canopy. The plants**

17 **were maturing and needed to be transported out of the garden area via**

18 **helicopter. The plants were loaded into a trailer and transported to**

19 **the dump to be grinded down.**

20

21 **According to the Drug Enforcement Agency, each plant will, on average,**

22 **yield 1 pound of marijuana ¿bud¿ with an estimated value of**

23 **\$900-\$6000.00. Using \$3000.00 a pound as an average, if all 18,342**

24 **plants had completely matured, they would have generated**

25 **approximately \$55,026,000 in cash value.**

26

27 **No additional suspects were located at any of the gardens.**

28

29 **EVIDENCE:**

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 We were able to locate some items of evidence at the campsite attached
2 to garden 6.
3
4 - 3 bars of soap
5 - 1 6; black plastic mirror with fingerprints on the glass face
6 - 1 receipt for a phone card purchase at the 7-11 Store in Fremont
7
8 All items were packaged and booked into the Sheriff;s Office
9 Headquarters Evidence locker.
10
11 P.L.E.O.:
12
13 Sgt. Marc Lehmann #1868- Supplemental Report
14 Sgt. James Cannan #1929- Assist
15 Deputy Jeff Puente #1858- Assist
16 Sgt. Jim Helms #1866- Assist/LZ Control
17 Deputy Justin Harper #1986- Assist
18 Deputy Ruben Delapena #1821- Assist
19 Deputy Robert Navarro-Assist
20 Alameda County Sheriff;s Deputies
21 CAMP Team 1
22 Lt. Joe Waldherr- IC

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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	
--	--

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
---	---	---	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
85	E		3	Soap				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Campsite Garden 6- N3 Ranch			0			<input checked="" type="checkbox"/>
DESCRIPTION 3 bars of soap and one sponge collected in the campsite of garden 6								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
86	E		1	Receipt	7-11			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Campsite of Garden 6, N3 Ranch			0			<input checked="" type="checkbox"/>
DESCRIPTION One 7-11 receipt located in the campsite of garden 6								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
87	E		1	Mirror				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Campsite of Garden 6			0			<input checked="" type="checkbox"/>
DESCRIPTION Approximately 6" long mirror with a black plastic back								

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
--------------------	-------	---

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
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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
--	------	---------	------	------

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

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
---	-----------------------	-------------

<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
Lehmann, Marc	1868	07/30/10 1020	II SS	Paresa, Michael F.	1696	08/10/10 1504	4	4

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **INVESTIGATION:**

2

3 On Wednesday July 21, 2010 I was on-duty as a Sheriff's Office
 4 Homicide investigator.

5

6 At approximately 1037 hours, Investigations Division Captain Pugh
 7 #1343 advised me of this Officer Involved Shooting (OIS) incident.
 8 Captain Pugh advised me the OIS incident potentially involved members
 9 of the Santa Clara County Sheriff's Office Marijuana Eradication Team
 10 and that one suspect, later identified as S01 Jose Penaloza-Soto, was
 11 deceased with additional suspects believed to be at large. Captain
 12 Pugh also advised me the location of the OIS incident was in a rural,
 13 mountainous area near the border between Santa Clara County and
 14 Alameda County in the area of Mines Road and Del Puerto Canyon Road
 15 in unincorporated eastern San Jose.

16

17 I notified Sergeant Alanis #1678 and Sergeant Elder #1792 of this OIS
 18 incident. Sergeant Alanis notified Sergeant McAllister #1706 and
 19 Sergeant Quinonez #1644.

20

21 I notified Crime Scene Investigations (CSI) Detective Allen #1865 and
 22 directed him to notify and activate the entire Sheriff's Office CSI
 23 team. I also directed him to contact the Santa Clara County Crime
 24 Lab and request assistance from their criminalists.

25

26 I prepared to respond to the OIS incident scene.

27

28 At approximately 1045 hours, Captain Pugh advised me that an OIS
 29 incident briefing was to take place within minutes and directed me to
 30 arrange for the investigative team to attend. I made those

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 arrangements.

2

3 At approximately 1053 hours, I called the Santa Clara County District
 4 Attorney's Office and notified Assistant District Attorney D. Tomkins
 5 of this incident.

6

7 At approximately 1055 hours, I called and notified Coroner's Office
 8 Investigator N. Contreras of this incident. I arranged to notify the
 9 Coroner's Office once the crime scene was secure and the decedent's
 10 body was ready to be examined and removed. Coroner's Investigator
 11 Contreras concurred.

12

13 At approximately 1058 hours, HQ Patrol Division Lieutenant D.
 14 Rodriguez led the initial incident briefing. Several members of the
 15 Santa Clara County Sheriff's Office Command Staff were present and
 16 included Assistant Sheriff Zink, Special Operations Division Captain
 17 Unger and Lieutenant Waldherr, Investigations Division Captain Pugh
 18 and Lieutenant Camarda, and HQ Patrol Division Captain McGrady.
 19 Lieutenant D. Rodriguez provided the known details including a brief
 20 timeline of the events.

21

22 During the briefing, I obtained a copy of the written Operational Plan
 23 initially formulated by the Marijuana Eradication Team which I later
 24 gave to Sergeant McAllister. I also received a voicemail message
 25 from Santa Clara County District Attorney Investigator M. Reyes
 26 stating he was responding to this incident and asking for a return
 27 call.

28

29 The Incident Command System was established. Assistant Sheriff Zink
 30 was designated the Incident Commander and Special Operations Division

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Captain Unger was designated the Operations Commander. The Command
 2 Post location was identified as the area known as ¿The Junction¿
 3 which is at the intersection of Mines Road and Del Puerto Canyon
 4 Road.

5
 6 After the briefing ended, Sergeant N. Davis #1751 advised that she had
 7 notified the Santa Clara County Deputy Sheriffs¿ Association
 8 President, Sergeant M. Dutra, of the incident.

9
 10 I returned District Attorney Investigator Reyes¿ phone call and
 11 advised him of the Command Post location. He and District Attorney
 12 Investigator M. Sterner arranged to meet the investigative team at
 13 the Command Post.

14
 15 At approximately 1130 hours, I called and left voicemail messages on
 16 both the desk phone and assigned cell phone for County Counsel
 17 Investigator Sergeant R. Davis.

18
 19 Myself and other members of the investigative team continued preparing
 20 to respond to the scene.

21
 22 At approximately 1210 hours, I and the rest of the investigative team
 23 began driving from the Sheriff¿s Office to the OIS incident scene.
 24 Lieutenant Camarda advised via Dispatch that the Command Post
 25 location was changed to the Del Valle Regional Park in Livermore. I
 26 left a message on District Attorney Investigator Reyes¿ cell phone
 27 advising him of the Command Post location change.

28
 29 At approximately 1320 hours, I and the rest of the investigative team
 30 arrived at Del Valle Regional Park and established the Command Post

OFFICER'S NAME Leon, Herman	ID NUMBER 1685	DATE 07/29/10 828	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Wise, Edward W.	ID NUMBER 1639	DATE 08/04/10 1534	PAGE 3	OF 12
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 site. Alameda County Sheriff's deputies advised us that members of
 2 the Santa Clara County Sheriff's Office Sheriff's Emergency Response
 3 Team (SERT) had already entered the crime scene area and begun their
 4 tactical operations. We awaited Captain Unger's arrival.

5
 6 While waiting, we discovered that communications was negatively
 7 impacted due to the remoteness of the location and surrounding
 8 mountain ranges. As a result, cell phone usage as well as law
 9 enforcement radio communications was either impossible or severely
 10 limited. However, it was previously arranged for satellite phones to
 11 be made available to the Command Post.

12
 13 At approximately 1400 hours, the investigative and CSI teams held a
 14 joint briefing and formulated an action plan.

15
 16 At approximately 1420 hours, Alameda County Sheriff's Sergeant
 17 Dickson, Detective Smyth, Detective Armijo and Detective Gonzales
 18 arrived at the Command Post. They formed the Alameda County
 19 Sheriff's investigative team which was assigned to shadow our
 20 investigation. Alameda County Sheriff's Sergeant Dickson was to act
 21 as a liaison to the Santa Clara County Sheriff's Office.

22
 23 At approximately 1430 hours, Captain Unger arrived at the Command Post
 24 accompanied by Captain Pugh, Lieutenant Camarda and Lieutenant Doty.
 25 Another briefing was held which included Alameda County deputies.

26
 27 At approximately 1445 hours, District Attorney Investigators Reyes and
 28 Sterner arrived at the Command Post and received a briefing from the
 29 investigative team.

30

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 At approximately 1510 hours, SERT Lieutenant Morrissey arrived at the
2 Command Post after coordinating the tactical operations at the OIS
3 incident scene. Lieutenant Morrissey provided a briefing on the
4 details known at the time. County Counsel Investigator Deputy Lundin
5 arrived and joined the briefing. During the briefing, an action plan
6 was made for the investigative team to go to the forward staging area
7 and remove all the incident-involved deputies to the Command Post for
8 eventual escort to the Sheriff's Office where interviews would be
9 conducted.

10

11 Via police radio, Lieutenant Morrissey provided the extraction
12 information to the deputies in/at the crime scene. An orbiting law
13 enforcement helicopter acted as a line-of-sight radio relay point
14 between the Command Post and the deputies in/at the crime scene.

15

16 At approximately 1600 hours, the entire investigative team and
17 designated CSI team members left the Command Post and began driving
18 to the forward staging area which was estimated to be 13 miles away.
19 Due to the ruggedness of the terrain, four-wheel drive vehicles had
20 to be utilized to reach the forward staging area. Estimations were
21 that it was going to take more than 1 hour of driving time to arrive
22 at the forward staging area. From the forward staging area, the
23 crime scene area was estimated to be an approximate 20-30 minute
24 off-road hike into steep, rugged and mountainous terrain.

25

26 At approximately 1650 hours and 9 miles into our drive, we encountered
27 members of the involved Alameda County and Santa Clara County
28 Sheriff's deputies driving their own department vehicles towards the
29 Command Post. They said they had not received/heard the plan for
30 their removal from the crime scene. Sergeant Elder, Sergeant

OFFICER'S NAME Leon, Herman	ID NUMBER 1685	DATE 07/29/10 828	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Wise, Edward W.	ID NUMBER 1639	DATE 08/04/10 1534	PAGE 5	OF 12
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1 **Quinonez and I turned our vehicles around and returned to the Command**
 2 **Post.**

3
 4 **At approximately 1735 hours, Sergeant Elder, Sergeant Quinonez and I**
 5 **arrived at the Command Post. I saw the involved Alameda and Santa**
 6 **Clara County deputies assembled at the Command Post and tending to**
 7 **their personal comfort needs. Sergeant Elder, Sergeant Quinonez and**
 8 **I arranged to transport the involved deputies to the Sheriff's Office**
 9 **in San Jose. Sergeant Dutra, who had arrived earlier to establish**
 10 **the mobile Command Post vehicle in his role as the Sheriff's**
 11 **Transportation Unit sergeant, assisted us with transporting the**
 12 **involved deputies.**

13
 14 **At approximately 1815 hours, Sergeant Elder, Sergeant Quinonez,**
 15 **Sergeant Dutra and I began driving to the Sheriff's Office. Alameda**
 16 **County Sheriff's Deputy Pope (W07) rode with me in my assigned**
 17 **vehicle. We did not discuss details of the OIS incident. I called**
 18 **ahead and notified Sergeant N. Davis of our estimated time of arrival**
 19 **and to ensure the logistical needs were in place.**

20
 21 **At approximately 1910 hours, we arrived at the Sheriff's Office. All**
 22 **the involved deputies were escorted to the Investigations Division on**
 23 **the 3rd floor where they were monitored by Santa Clara County**
 24 **Sheriff's personnel within a conference room pending their private**
 25 **attorney interviews and eventual investigative interviews.**

26
 27 **At approximately 1920 hours, Attorney _____ a Legal Defense**
 28 **Fund attorney for the Santa Clara County deputies, arrived at HQ.**
 29 **She was escorted into a private room in order to conduct her**
 30 **interviews. Additional Legal Defense Fund attorneys, for both**

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Alameda and Santa Clara County deputies, and their investigators
2 arrived shortly thereafter. All the Legal Defense Fund personnel
3 were afforded private rooms to conduct their respective interviews.

4
5 At approximately 2035 hours, I learned that the last four involved
6 Santa Clara County Sheriff's deputies, V01 Deputy Dibert, V02 Deputy
7 Fontana, V03 Deputy Damigo and W03 Sergeant Spagnola had arrived at
8 the Sheriff's Office.

9
10 At approximately 2105 hours, Sergeant McAllister conducted an
11 investigative team briefing prior to commencing our interviews.

12
13 Sergeant McAllister and Sergeant Alanis comprised one investigative
14 team. They interviewed V01 Deputy Dibert, V02 Deputy Fontana and V03
15 Deputy Damigo. Sergeant Davis and Sergeant Quinonez each conducted
16 individual interviews with the remaining involved Alameda and Santa
17 Clara County deputies. Refer to their supplemental reports for
18 details.

19
20 Sergeant Elder and I monitored the progress of the interviews and
21 assisted with any investigative needs. Once the interviews were
22 concluded, Sergeant McAllister conducted an investigative team
23 briefing where it was decided that Sergeant Elder and I would return
24 to the OIS incident scene. I ended my shift at approximately 0330
25 hours on Thursday July 22, 2010.

26
27 On Thursday July 22, 2010 at approximately 1100 hours, I arrived at
28 the Sheriff's Office where I met with Sergeant Elder. We made final
29 preparations and left to the OIS scene.

30

OFFICER'S NAME Leon, Herman	ID NUMBER 1685	DATE 07/29/10 828	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Wise, Edward W.	ID NUMBER 1639	DATE 08/04/10 1534	PAGE 7	OF 12
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1 At approximately 1300 hours, Sergeant Elder and I arrived at the
 2 established Command Post. Among those present were Lieutenant
 3 Morrissey, Sergeant Helms, CSI Vandegraaf #1787, Coroner's
 4 Investigator _____ and members of Santa Clara County Search
 5 and Rescue. Sergeant Helms advised that S01's body had just arrived
 6 at the Command Post via CHP helicopter.

7
 8 At approximately 1305 hours, Coroner's Investigator _____ began
 9 his in-field examination of S01's body. CSI Vandegraaf #1787
 10 assisted Coroner's Investigator _____ and took photographs of
 11 S01's body. Sergeant Elder and I observed.

12
 13 I saw that S01 was lying face up on a backboard. S01 was wearing a
 14 green and tan camouflage t-shirt, a blue tank top worn underneath the
 15 t-shirt, green camouflage pants, black bikini-style briefs, brown
 16 hiking boots, white socks, a red and white rosary necklace around his
 17 neck, a black belt around his pants waist and attached to the belt
 18 was an empty knife case in the area of S01's right hip. A cell phone
 19 was protruding from S01's left rear pants pocket. S01's head was
 20 covered with a paper bag. S01's hands were bound at the wrist and to
 21 the front of his body with black plastic flex cuffs. Each of S01's
 22 hands was also covered with a paper bag. I saw two ventilation tubes
 23 in place along the left side of S01's chest/rib cage wall.

24
 25 I saw lividity present along S01's back and along the back of S01's
 26 legs. S01's body was showing signs of decomposition which included
 27 maggot activity, skin slippage, skin discoloration, and body
 28 dehydration. Of particular note was what appeared to be a dark
 29 reddish mark to the front of S01's left chest that appeared to
 30 resemble a wound but which Coroner's Investigator _____ said was

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 actually a result of body dehydration. Coroner's Investigator
 2 manipulated the mark and showed me it was not a penetrating
 3 or shrapnel wound.
 4
 5 I saw what appeared to be a bump on S01's forehead. I saw what
 6 appeared to be five penetrating wounds to the front and back of S01's
 7 right thigh and what appeared to be one penetrating wound to S01's
 8 left side along the chest/rib cage wall. At the time, Coroner's
 9 Investigator was unable to determine if any of the apparent
 10 penetrating wounds were through-and-through.
 11
 12 Coroner's Investigator found and removed several loose BB's
 13 and a lighter from S01's right front pants pocket. Coroner's
 14 Investigator released the cell phone along with other
 15 property items found on S01's body to CSI Vandegraaf. Refer to CSI
 16 Vandegraaf's supplemental report for details.
 17
 18 Coroner's Investigator concluded his examination and sealed
 19 S01's body in a body bag by affixing seal #0062737. Refer to
 20 Coroner's Case #10-02292.
 21
 22 At approximately 1420 hours, Coroner's Investigator
 23 transported S01's body from the Command Post to the Coroner's Office
 24 in San Jose.
 25
 26 At approximately 1530 hours, Sergeant Elder and I arrived at the
 27 forward staging area where we met with the CSI team members, Crime
 28 Lab personnel and SERT members. CSI Allen briefed me on the
 29 recovered items of evidence. Refer to supplemental reports for
 30 details.

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1

2 At approximately 1700 hours, Sergeant Elder and I along with all the

3 other personnel arrived back at the Command Post.

4

5 At approximately 1715 hours, Lieutenant Morrissey and Lieutenant Doty

6 conducted a debriefing with all the involved and present personnel.

7 Afterwards, Sergeant Elder and I returned to the Sheriff's Office and

8 conducted follow-up on this case.

9

10 At approximately 2045 hours, I received a call from Alameda County

11 Sheriff's Sergeant Peterson (W04). W04 Sergeant Peterson told me

12 that at approximately 2030 hours, Alameda County Sheriff's Deputy

13 Mora (W09) received a call from a female who identified herself as

14 (003).

15

16 003 explained that she and other family members saw

17 media coverage of this OIS incident which led them to believe that

18 the decedent in this OIS incident may be her brother-in-law S01 Jose

19 Penaloza-Soto aka Jose Soto Penaloza. 003 went on to

20 explain that the family knew that S01 Jose Penaloza-Soto was growing

21 marijuana somewhere in the Livermore area and that they last saw S01

22 Jose Penaloza-Soto on or about Thursday (July 15, 2010) of the prior

23 week.

24

25 003 described S01 Jose Penaloza-Soto as a Hispanic male

26 adult, 5'08" tall, 150 lbs, slim build, dark complexion, shaved head,

27 goatee, with a bump-type birthmark on his forehead. S01 Jose

28 Penaloza-Soto always wore a red and white rosary necklace. (Note: I

29 recognized this general description as matching that of the

30 decedent.)

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 003 gave S01 Jose Penaloza-Soto's date of birth as

3 January 5, 1982, his residence address as in East

4 Palo Alto, CA. and his cell phone number as .

5

6 003 provided background information for S01 Jose

7 Penaloza-Soto which included his prior DUI arrest by San Francisco

8 Police approximately 4-5 years ago; S01 Jose Penaloza-Soto's prior

9 employment as a gardener/landscaper in San Francisco; S01 Jose

10 Penaloza-Soto's fondness for hunting quail and his propensity for

11 carrying a BB gun everywhere he went.

12

13 003 provided her contact information and contact

14 information for S01 Jose Penaloza-Soto's brother and sister,

15 respectively identified as (002) and

16 (001). 003 said S01 Jose Penaloza-Soto lives with her

17 and the other family members in East Palo Alto. 003

18 said they are in possession of S01 Jose Penaloza-Soto's wallet and

19 Mexican Consulate ID Card and that S01 Jose Penaloza-Soto does not

20 have a CA Driver's License or CA ID Card.

21

22 W04 Sergeant Peterson said that W09 Deputy Mora would be completing a

23 report documenting the initial phone call and the information

24 provided. We ended our call.

25

26 I researched S01 Jose Penaloza-Soto using the information provided. I

27 located CA DMV Index Number for S01 Jose Penaloza-Soto but

28 was unable to locate an arrest record.

29

30 I called the San Francisco Police Department's ID/Records Unit and

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 spoke to Records Clerk . Records Clerk checked their
 2 records management system and located an arrest record for S01 Jose
 3 Penalzoza-Soto indicating he was booked into the San Francisco Jail by
 4 the San Francisco Police Department on December 4, 2004 for 23152(a)
 5 VC ; DUI and 12500 (a) VC ; Unlicensed Driver. I requested and
 6 received a faxed copy of S01 Jose Penalzoza-Soto;s booking photo and
 7 fingerprints from Records Clerk Refer to San Francisco Police
 8 File #602545.

9
 10 While speaking with Records Clerk I located and printed S01 Jose
 11 Penalzoza-Soto;s San Francisco booking photo from the CA Department of
 12 Justice Cal-Photo Image Network System. (Note: I recognized S01 Jose
 13 Penalzoza-Soto;s booking photo as appearing to be that of the decedent
 14 in this case.)

15
 16 I called Sergeant McAllister and briefed her on the information. I
 17 compiled the obtained information and placed the materials on
 18 Sergeant McAllister;s desk for her review.

19
 20 On Friday July 23, 2010 Sergeant McAllister advised me that S01 Jose
 21 Penalzoza-Soto;s identity had been positively confirmed via his
 22 fingerprints.

23
 24 P.L.E.O.:

25
 26 Sergeant H. Leon #1685 Supplemental Report

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **ATTACHMENTS:**

2

3 **A copy of the Air Support Unit Mission Log, dated 7-21-10.**

4

5 **SUPPLEMENTAL REPORT:**

6

7 **On 7-21-10, at approximately 1030 hours, I was informed by Capt Unger**
 8 **of a deputy involved shooting involving our Marijuana Eradication**
 9 **Team in the area of Mines Road in unincorporated Santa Clara County**
 10 **(GPS N37 28.306, W121 37.675).**

11

12 **At approximately 1100 hours, Sgt. Helms advised me to report to**
 13 **Moffett Field and launch the Sheriff's helicopter, Star1. I arrived**
 14 **at Moffett Field at approximately 1115 hours, and Pilot arrived**
 15 **at 1140 hours. We departed Moffett Field at approximately 1200**
 16 **hours.**

17

18 **At approximately 1215 hours, we arrived over the area of the deputy**
 19 **involved shooting. The area where the incident took place was in a**
 20 **remote part of the county, mainly hills and canyons, with no major**
 21 **roads in the area. The incident took place in a canyon with a small**
 22 **creek at the bottom. I was able to communicate with Deputy Dibert and**
 23 **Deputy Damigo over the radio. They gave me an update of the incident**
 24 **so that I could relay it back to our command staff. Due to the**
 25 **remote location of the incident, ground deputies were not able to**
 26 **communicate with their radios back to the command staff.**

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28 **Deputy Dibert informed me one suspect was dead, and two others were**
 29 **outstanding. Deputy Dibert informed me the two outstanding suspects**
 30 **were not seen, and were only heard running away from the area after**

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 the shooting. One suspect fled in a N/B direction north of the
 2 shooting site, and the other suspect fled in a S/B direction south of
 3 the shooting site. I was further advised the dead suspect was
 4 covered with a blue tarp on a side of a hill, and ground deputies had
 5 not reached any marijuana gardens yet. We began searching for the
 6 wanted suspects and the marijuana gardens.

7
 8 CHP's helicopter was also on scene. CHP's helicopter crew landed at
 9 the bottom of the canyon to meet up with ground units since they were
 10 having a communication issues with them. CHP departed the area
 11 approximately 30 minutes later.

12
 13 As we were searching for the two suspects I saw the blue tarp that was
 14 on top of the dead suspect. That area appeared to be steeped, with
 15 light brush. I saw a deputy moving away from the dead suspect. That
 16 deputy was on his hands and knees while climbing up and away from the
 17 dead suspect.

18
 19 As we were searching for the suspects I located one marijuana garden
 20 (GPS for garden #1, N37 28.263, W121 37.581) approximately 500 feet
 21 south of the dead suspect's location. That garden appeared to be a
 22 large garden located east of the creek at the bottom of the canyon.
 23 We continued flying in southern direction along the creek and we
 24 located five more marijuana gardens ranging from small to very large.
 25 All the gardens were located at the bottom of the canyon along both
 26 sides of the creek. Some of the plants were out in the open, while
 27 the majority of them were concealed under trees. I also located black
 28 water hoses running through the gardens and along the creek, as well
 29 as a number of dirt trails leading in and out of gardens. I obtained
 30 the GPS coordinates for the five gardens and they are as follows:

OFFICER'S NAME Gonzalez, Leonardo	ID NUMBER 1826	DATE 07/28/10 1645	SHIFT/DAYS OFF 2 FS	SUPERVISORS REVIEW Helms, James	ID NUMBER 1866	DATE 07/28/10 1728	PAGE 2	OF 5
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1

2 Garden #2, N37 28.212, W121 37.424

3 Garden #3, N37 28.066, W121 37.364

4 Garden #4, N37 28.019, W121 37.272

5 Garden #5, N37 27.960, W121 37.251

6 Garden #6, N37 27.823, W121 37.056

7

8 Garden #6 was the largest garden we located. Garden #1 and #6 were

9 approximately ¾ of a mile apart from each other along the same canyon

10 and creek. When SERT deputies arrived on scene I provided them with

11 the information of the gardens.

12

13 We departed the area at approximately 1400 hours when we ran low on

14 fuel. I video recorded and photographed the area prior to departing.

15 We landed at Moffett Field at 1415 hours.

16

17 At approximately 1530 hours, we flew back to the incident location to

18 continue the search and assist with communications. During this

19 flight we did not locate any of the suspects or any other marijuana

20 gardens. We departed the area at approximately 1750 hours.

21

22 At approximately 2000 hours, I was at the command post that was set up

23 at Lake Del Valle. I met with Detective Vandergraaf and I gave him

24 the memory card containing the photos, and a memory stick containing

25 the video of the shooting crime scene. He downloaded the photos and

26 the video on a computer. Detective Vandergraaf gave me back the

27 memory card and the memory stick after he completed downloading the

28 files.

29

30 At approximately 2040 hours, we arrived over the crime scene to

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 continue the search and assist with communications. We departed the
 2 area at 2050 hours.

3

4 **EVIDENCE:**

5

6 On 7-28-10, I transferred the data from the helicopter's video
 7 recording memory stick onto a DVD. The digital video shows the crime
 8 scene, the terrain layout, and the marijuana gardens. I was narrating
 9 the video as we were recording to clarify what we were capturing. On
 10 7-28-10, I booked the DVD into evidence at Sheriff's Office
 11 Headquarters. Please note the digital DVD can only be viewed on a
 12 computer that has DIVX or Windows Media Player installed.

13

14 On 7-28-10, I transferred the digital photos from the camera onto a
 15 photo CD. I took the digital photos on the day of the incident. I
 16 started taking photos of the canyon looking down towards the creek as
 17 we flew in a southern direction. The photos captured the dead
 18 suspect, and a number of marijuana gardens. I took a total of 60
 19 photos from the helicopter. On 7-28-10, I booked the photo CD into
 20 evidence at Sheriff's Office Headquarters.

21

22 **PLEO's**

23

24 Deputy L. Gonzalez 1826 ; Supplemental Report

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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

F01	Gonzalez 1826 Leo Santa Clara Co. Sheriff's Office	<input type="checkbox"/> STATE OF CA.	Res: RPh: Bus: 55 W. Younger Ave, San Jose CA	BPh: (408) 808-4400	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"/> 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
---	---	---	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
1	E	F01	1	DVD	TDK	DVD-R	BAR CODE Bar code

SERIAL NUMBER None	LOCATION COLLECTED Moffett Field, Hanger 211	VALUE 0	LOC CODE 145550	PROCESS EVIDENCE <input type="checkbox"/>	
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DESCRIPTION **One DVD containing a digital video that was obtained from Star1 while flying over the crime scene.**

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
2	E	F01	1	CD	Memorex	CD-R	BAR CODE Bar code

SERIAL NUMBER None	LOCATION COLLECTED Moffett Field, Hanger 211	VALUE 0	LOC CODE 145551	PROCESS EVIDENCE <input type="checkbox"/>	
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DESCRIPTION **One CD containing 60 digital photos that were obtained from Star1 while flying over the crime scene.**

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
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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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OFFICER'S NAME Gonzalez, Leonardo	ID NUMBER 1826	DATE 07/28/10 1645	SHIFT/DAYS OFF 2 FS	SUPERVISORS REVIEW Helms, James	ID NUMBER 1866	DATE 07/28/10 1728	PAGE 5	OF 5
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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 25 **remote location of the incident, ground deputies were not able to**
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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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 18 suspect, and a number of marijuana gardens. I took a total of 60
 19 photos from the helicopter. On 7-28-10, I booked the photo CD into
 20 evidence at Sheriff's Office Headquarters.

21
 22 **PLEO's**

23
 24 **Deputy L. Gonzalez 1826's Supplemental Report**

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<input type="checkbox"/> HEALTH HAZARD
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F01	Gonzalez 1826 Leo Santa Clara Co. Sheriff's Office	<input type="checkbox"/> STATE OF CA.	Res: RPh: Bus: 55 W. Younger Ave, San Jose CA	BPh: (408) 808-4400	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"/> 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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1	E	F01	1	DVD	TDK	DVD-R	BAR CODE Bar code

SERIAL NUMBER None	LOCATION COLLECTED Moffett Field, Hanger 211	VALUE 0	LOC CODE 145550	PROCESS EVIDENCE <input type="checkbox"/>	
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DESCRIPTION **One DVD containing a digital video that was obtained from Star1 while flying over the crime scene.**

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
2	E	F01	1	CD	Memorex	CD-R	BAR CODE Bar code

SERIAL NUMBER None	LOCATION COLLECTED Moffett Field, Hanger 211	VALUE 0	LOC CODE 145551	PROCESS EVIDENCE <input type="checkbox"/>	
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DESCRIPTION **One CD containing 60 digital photos that were obtained from Star1 while flying over the crime scene.**

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
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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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OFFICER'S NAME Gonzalez, Leonardo	ID NUMBER 1826	DATE 07/28/10 1645	SHIFT/DAYS OFF 2 FS	SUPERVISORS REVIEW Helms, James	ID NUMBER 1866	DATE 07/28/10 1728	PAGE 5	OF 5
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 **SUPPLEMENTAL INVESTIGATION:**

2

3 I am currently assigned as a Detective with the Santa Clara County
 4 Sheriff's Office and a member of the Sheriff's Office Crime Scene
 5 Investigation Team.

6

7 On 07-21-10 at approximately 1044 hours, Detective Allen #1865
 8 contacted me via telephone to inform me of a recent officer involved
 9 shooting at Mines Road at San Antonio Road. Detective Allen advised
 10 me that I was being activated as CSI personnel to assist in the crime
 11 scene processing.

12

13 At approximately 1330 hours, Detective Shaheen #1811 and I arrived at
 14 the command post located at Del Valle Lake Campground, in Livermore.
 15 We made contact with Sergeant McAllister #1706 who is the lead in
 16 this investigation. Sergeant McAllister provided us with the details
 17 of the incident and what evidence of interest that maybe left at the
 18 scene.

19

20 Detective Allen, Detective Vandegraaf #1787, Detective Cardoza #1758,
 21 Detective Shaheen, Detective Tracey #1819, and I discussed the
 22 details of the incident and what our assignment entailed.

23

24 At approximately 1600 hours, Detectives Cardoza, Tracey, and I
 25 responded to crime scene staging area to pick-up the officers
 26 involved in the shooting and escort them back to the command post.

27

28 At approximately 1715 hours, we arrived at the staging area and met
 29 with the involved officers.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 At approximately 1735 hours, we escorted the involved officers to the
 2 command post.

3
 4 At approximately 1825 hours, we arrived at the command post with the
 5 involved officers. Detectives Shaheen, Allen, and Vandegraaf
 6 processed the involved officers. See their supplemental reports for
 7 detailed information regarding their evidence collection.

8
 9 At approximately 1840 hours, Detectives Cardoza, Tracey, and I
 10 responded back to the staging area of the crime scene, to make a plan
 11 to recover the body.

12
 13 At approximately 2010 hours, we arrived at the staging area of the
 14 crime scene and met with Search and Rescue.

15
 16 At approximately 2012 hours, from the Santa Clara County
 17 Coroner's Office arrived at the staging area. was given an
 18 update on the body's location. The coroner case number is
 19 10-02292.

20
 21 At approximately 2035 hours, the Search and Rescue Unit advised us
 22 that do darkness and the extremely rural condition of the crime
 23 scene; it was unsafe to continue with our investigation at that
 24 time.

25
 26 At approximately 2052 hours, we left the crime scene staging area and
 27 returned to the command post.

28
 29 At approximately 2130 hours, we arrived at the command post and
 30 discussed our return time to process the crime scene.

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 At approximately 2158 hours, I completed my CSI assignment for the
3 day.

4

5 SUPPLEMENTAL INVESTIGATION CONTINUED:

6

7 On 07-22-10 at approximately 0700 hours, I arrived at the command post
8 for a briefing before we left to process the crime scene.

9

10 At approximately 0815 hours, Detectives Allen, Shaheen, Cardoza,
11 Tracey, and I left the Command Post and responded to the staging area
12 of the crime scene.

13

14 At approximately 0905 hours, we arrived at the staging area of the
15 crime scene and met with Search and Rescue.

16

17 At approximately 0918 hours, we left the staging area and responded to
18 the crime scene on foot.

19

20 At approximately 0936 hours, we arrived at the first crime scene. See
21 Detectives Allen, Shaheen, and Tracey's supplemental report for
22 detailed information regarding the first crime scene.

23

24 Detective Cardoza and I responded to the second crime scene with
25 Search and Rescue to process the scene.

26

27 SCENE DESCRIPTION:

28

29 The second crime scene was located on the side of a 45 degrees
30 mountain which is approximately 100 yards from the first crime scene.

REPORT TYPE [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 10-202-0038E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 There is a creek bed that separates the two crime scenes. The
 2 approximate distance from the creek bed to the top of the ridge of
 3 the second crime scene is 100 yards. The crime scene is
 4 approximately 50 yards from the creek bed. The terrain is steep with
 5 bushes and rocks on the ground. The crime scene is approximately one
 6 mile from the staging area and fourteen miles from the command
 7 post.

8
 9 INVESTIGATION CONTINUED:

10
 11 At approximately 1045 hours, with the assistance of Search and Rescue,
 12 I repelled from the top of the ridge to the crime scene. The
 13 temperature at the crime scene was 83 degrees Fahrenheit.

14
 15 I observed and evaluated the crime scene as I approached for
 16 processing. I obtained the video camera from Detective Cardoza and
 17 filmed the crime scene.

18
 19 CRIME SCENE DESCRIPTION:

20
 21 The terrain was on 45 degrees slope of the mountain. The Suspect's
 22 body was covered with a blue tarp surrounded by bushes, dirt, and
 23 rocks. My initial observation, I discovered a rifle approximately
 24 seven feet from the Suspect. There was medical debris on the
 25 Suspect's left side of his body. There was a hat near the Suspect's
 26 left foot. There was a knife near the Suspect's head.

27
 28 See diagram for further details.

29
 30 INVESTIGATION CONTINUED:

OFFICER'S NAME Harrington, Shawn	ID NUMBER 1744	DATE 07/28/10 1628	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 08/18/10 1332	PAGE 4	OF 12
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1

2 At approximately 1045 hours, I arrived at the Suspect's body and I

3 took the GPS measurements. The GPS measurements are as follows:

4

5 2459 feet - Elevation

6 N 37 degrees 28.290

7 W 121 degrees 37.699

8

9 I observed and evaluated the crime scene area surrounding the

10 Suspect's body. I located evidence and documented it using video.

11

12 At approximately 1121 hours, I located a folded knife with a 3 1/4

13 inch blade with an off white handle. The name Sabre is imprinted

14 into the blade of the knife. The knife was approximately 2 1/2 feet,

15 northeast of the Suspect's head. I took GPS measurements of the

16 location of the knife and they are as follows:

17

18 2433 - Elevation

19 N 37 degrees 28.285

20 W 121 degrees 37.696

21

22 I collected the knife and it was later identified as evidence item

23 #11.

24

25 At approximately 1123 hours, I located a .223 caliber Winchester

26 cartridge casing. The cartridge casing was approximately seven feet

27 northwest of the Suspect's body. I took GPS measurements of the

28 cartridge casing location and they are as follows:

29

30 2457 - Elevation

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 N 37 degrees 28.281

2 W 121 degrees 37.703

3

4 I collected the cartridge casing and it was later identified as

5 evidence item #15.

6

7 At approximately 1130 hours, I located a .177 caliber pellet gun. The

8 pellet gun was approximately seven feet west of the Suspect's lower

9 body. I took GPS measurements of the pellet gun location and they

10 are as follows:

11

12 2399 - Elevation

13 N 37 degrees 28.286

14 W 121 degrees 37.704

15

16 I collected the pellet gun and it was later identified as evidence

17 item #17.

18

19 At approximately 1153 hours, I located a .233 caliber Winchester

20 cartridge casing. The cartridge casing was approximately 7 1/2 feet

21 northwest of the Suspect's body. I took GPS measurements of the

22 cartridge casing location and they are as follows:

23

24 2450 - Elevation

25 N 37 degrees 28.299

26 W 121 degrees 37.690

27

28 I collected the cartridge casing and it was later identified as

29 evidence item #16.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 At approximately 1200 hours, I located medical debris next to the
 2 Suspect's body. The medical debris was approximately one foot
 3 northeast of the Suspect's body. I took GPS measurements of the
 4 medical debris and they are as follows:

5
 6 2433 - Elevation
 7 N 37 degrees 28.286
 8 W 121 degrees 37.692

9
 10 I collected the medical debris and it was later identified as evidence
 11 item #12.

12
 13 At approximately 1203 hours, I located camouflage baseball hat. The
 14 baseball hat was approximately 2 1/2 feet southeast of the Suspect's
 15 lower legs. I took GPS measurements of the baseball hat and they are
 16 as follows:

17
 18 2396 - Elevation
 19 N 37 degrees 28.292
 20 W 121 degrees 37.696

21
 22 I collected the baseball hat and it was later identified as evidence
 23 item #13.

24
 25 At approximately 1204 hours, I located a plastic bag which originally
 26 contained medical equipment. The plastic bag was approximately one
 27 foot southeast of the Suspect's leg. I took GPS measurements of the
 28 plastic bag and they are as follows:

29
 30 2436 - Elevation

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 N 37 degrees 28.295

2 W 121 degrees 37.693

3

4 I collected the plastic bag and it was later identified as evidence

5 item #14.

6

7 At approximately 1206 hours, I used paper bags to cover the Suspect's

8 hands and head for possible evidence preservation.

9

10 At approximately 1215 hours, California Highway Patrol helicopter

11 arrived on scene and lowered an officer and the body bag from the air

12 to recover the Suspect's body.

13

14 At approximately 1220 hours, I assisted the California Highway Patrol

15 officer in placing the Suspect into the body bag.

16

17 At approximately 1240 hours, California Highway Patrol extracted the

18 Suspect's body and transported him to the command post where the

19 coroner was waiting for examination.

20

21 At approximately 1245 hours, I left crime scene two and returned to

22 crime scene one with the evidence.

23

24 At approximately 1320 hours, I arrived at crime scene one and met up

25 with the CSI team at that location.

26

27 At approximately 1450 hours, I left the crime scene and returned to

28 the crime scene staging area.

29

30 At approximately 1515 hours, I arrived at the crime scene staging area

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 with the rest of the CSI team.

2

3 At approximately 1615 hours, we left the crime scene staging area and
 4 returned to the command post.

5

6 At approximately 1650 hours, we arrived at the command post.

7

8 At approximately 1800 hours, I left the command post and returned to
 9 Sheriff's Headquarters.

10

11 At approximately 1910 hours, I arrived at headquarters and assisted
 12 the other CSI members in securing the evidence in the CSI room.

13

14 At approximately 2030 hours, I completed my CSI assignment for the
 15 day.

16

17 SUPPLEMENTAL INVESTIGATION CONTINUED:

18

19 On 07-29-10, at approximately 0500 hours, Detective Breuss #1404 and I
 20 returned to the crime scene to take additional photographs.

21

22 At approximately 0640 hours, we arrived at Del Valle Lake Campground
 23 and met with Sheriff's Special Operations Unit who was also going to
 24 the area to conduct marijuana removal.

25

26 At approximately 0715 hours, we arrived at the crime scene staging
 27 area along with the Special Operations Unit. The Special Operations
 28 Unit went into the area first and Detective Breuss and I followed
 29 shortly afterward.

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 At approximately 0810 hours, we arrived at crime scene #2 which is
 2 where the Suspect's body was located on 07-21-10. Detective Breuss
 3 and I set-up the rebelling equipment so I can proceed safely to the
 4 crime scene.

5
 6 At approximately 0932 hours, I started my descent to the crime scene.
 7 I arrived at the approximate location where Deputy Domingo was
 8 standing during this incident. I took GPS measurements of Deputy
 9 Domingo's location and they are as follows:

- 10
 11 2371 feet - elevation
 12 29.9 feet - accuracy
 13 N 37 degrees 28.290
 14 W 121 degrees 37.700

15
 16 At approximately 0940 hours, I took 35mm and 17mm photographs of
 17 Deputy Domingo's location.

18
 19 The compass direction for Deputy Domingo's location was North 360
 20 degrees.

21
 22 I searched the area surrounding Deputy Domingo's location for any
 23 evidence. I was unable to locate any additional evidence.

24
 25 At approximately 1007 hours, I proceeded to the Suspect's body
 26 location. I took GPS measurements of location and the finding were
 27 as follows:

- 28
 29 2329 feet - Elevation
 30 15.7 feet - accuracy

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 N 37 degrees 28.285

2 W 121 degrees 37.700

3

4 I took 360 degree photos of the area surrounding the Suspect's body in
 5 35mm and 17mm.

6

7 At approximately 1100 hours, Detective Breuss and I left the crime
 8 scene area and returned to the staging area.

9

10 At approximately 1200 hours, Detective Breuss and I arrived at the
 11 staging area.

12

13 At approximately 1315 hours, Detective Breuss and I arrived at Del
 14 Valle Campground.

15

16 At approximately 1415 hours, Detective Breuss and I left Del Valle
 17 Campground.

18

19 At approximately 1530 hours, Detective Breuss and I arrived at
 20 Sheriff's Headquarters and concluded our investigation.

21

22 PHOTOGRAPH LOG:

23

24 DISC 1: Photographs taken at crime scene two. Sequence of photos
 25 begins at DSC - 0001.

26

27 DSC - 0001 through DSC - 0008 Images of the approximate location of
 28 Deputy Domingo's position during this incident.

29

30 DSC - 0009 through DSC - 0039 Images of where the Suspect's body was

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 lying. (35mm and 360 degree images).

2

3 DSC - 0040 through DSC - 0068 Images of where the Suspect's body was
 4 lying. (17mm and 360 degree images).

5

6

7 DSC - 0069 Image of the slope of the mountain.

8

9 **ADDITIONAL INFORMATION:**

10

11 See supplemental reports from Detectives Vandegraaf, Tracey, Shaheen,
 12 Allen, and Cardoza for additional details of crime scene one and
 13 two.

14

15 **P.L.E.O.'S:**

16 Detective Harrington #1744 Supplemental Report

17 Detective Vandegraaf #1787 Supplemental Report

18 Detective Tracey #1819 Supplemental Report

19 Detective Shaheen #1811 Supplemental Report

20 Detective Allen #1865 Supplemental Report

21 Detective Cardoza #1758 Supplemental Report

22 Detective Breuss #1404 Assist

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **INVESTIGATION:**

2

3 On 07-21-2010 at approximately 1918 hours, Deputy Dutra and I

4 responded to assist with the investigation of a homicide that

5 occurred near the intersection of Mines Road and San Antonio Valley

6 Road, San Jose.

7

8 At approximately 2030 hours, Deputy Dutra and I arrived at 7000 Del

9 Valle Road to assist in the crime scene area.

10

11 At approximately 2040 hours, I relieved Deputy Randall and Deputy

12 Sheridan at gate N3 where I assumed the duty of logging all persons

13 who entered or departed the crime scene.

14

15 **CRIME SCENE LOG:**

16

17 At 2057 hours, Lieutenant Morrissey, Sergeant Benner, Sergeant Glatz,

18 Deputies Harper and Puente entered the crime scene.

19

20 At 2058 hours, Alameda County Sheriff Sergeant Slaughter, Sergeant

21 Facco, Deputies Moshetti and Giammalvo entered the crime scene.

22

23 At 2133 hours, Sergeant Cordoza, Deputies Harrington and Tracey

24 departed the crime scene.

25

26 At 2134 hours, Santa Clara County Criminalist - _____ and Santa

27 Clara County Coroner ; _____ departed the crime scene.

28

29 At 2135 hours, Lieutenant Morrissey and Detective S. Allen departed

30 the crime scene.

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 **At 2220 hours, Santa Clara County Search & Rescue members**

3 **departed the crime**

4 **scene.**

5

6 **At 2335 hours, Alameda County Sheriff's Off Road Unit, Deputies Fox,**

7 **Gilkerson and Buckout departed the crime scene.**

8

9 **At 2336 hours, Sergeant Cannan, Sergeant Lehmann, Sergeant Simonson,**

10 **Sergeant Vasquez and Deputy DeLaPena departed the crime scene.**

11

12 **On 07-22-2010, at approximately 0005 hours, Deputy J. Moore and Deputy**

13 **M. Piazza relieved me and assumed the crime scene log.**

14

15 **END OF SUPPLEMENTAL REPORT:**

16

17 **PLEOS:**

18 **Deputy K. Rumley 9033 Supplement Report**

19 **Deputy F. Dutra 9207 Assisted**

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **SUPPLEMENTAL INVESTIGATION:**

2

3 On 07/22/10 at 000 hrs, I was working as a Santa Clara County Office

4 Reserve Deputy in full uniform. I was assigned to the outer perimeter

5 of the CALMET officer involved shooting, at the Del Valle campground

6 command post. Reserve Deputy Moore 9296 and I relieved and received

7 the crime scene log from Reserve Deputies Dutra 9207 and Rumley 9033,

8 and took over the crime scene perimeter. At 1150 hrs, I was relieved

9 and gave the crime scene log to Deputy Vandergraaf 1786.

10

11 End of report.

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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

	<p style="font-size: 18pt; font-weight: bold;">Office of the Sheriff Santa Clara County</p> <p style="margin-top: 20px;">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"/> 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
---	---	---	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<p style="font-size: 18pt; font-weight: bold;">LOCATION</p> <p style="font-size: 24pt; font-weight: bold;">BAR CODE</p> <p style="font-weight: bold;">Bar code</p>
1	E			Photograph only			
SERIAL NUMBER				LOCATION COLLECTED Crime Scene #1	VALUE 0	LOC CODE PROCESS EVIDENCE <input type="checkbox"/>	

DESCRIPTION **1 photograph, not collected. One photograph indicating where one of the deputies/shooters was positioned at Crime Scene #1. The site was indicated by the deputy.**

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<p style="font-size: 18pt; font-weight: bold;">LOCATION</p> <p style="font-size: 24pt; font-weight: bold;">BAR CODE</p> <p style="font-weight: bold;">Bar code</p>
2	E		1	Cartridge casing	Winchester	.223 Caliber	
SERIAL NUMBER				LOCATION COLLECTED Crime Scene #1	VALUE 0	LOC CODE 145702 PROCESS EVIDENCE <input checked="" type="checkbox"/>	

DESCRIPTION **1 .223 Caliber Winchester cartridge casing collected by Det. Shaheen #1811 @ approx. 1133 hrs. on 07-22-10.**

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<p style="font-size: 18pt; font-weight: bold;">LOCATION</p> <p style="font-size: 24pt; font-weight: bold;">BAR CODE</p> <p style="font-weight: bold;">Bar code</p>
3	E		1	Cartridge casing	Winchester	.223 Caliber	
SERIAL NUMBER				LOCATION COLLECTED Crime Scene #1	VALUE 0	LOC CODE 145703 PROCESS EVIDENCE <input type="checkbox"/>	

FOLLOW UP OFFICER: _____ PIN#: _____ **FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:** _____

RELEASE TO: PERSON NAMED ABOVE NAME _____ ADDRESS _____ CITY _____
 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
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS NAME _____ ADDRESS _____ CITY _____ DATE _____

DESTROY THE FOLLOWING ITEM(S)# _____ AUTHORITY FOR DESTRUCTION _____ WITNESSED BY _____ AND _____

AUCTION THE FOLLOWING ITEM(S)# _____ AUTHORITY FOR AUCTION _____ CASE STATUS _____

RELEASE TO: NAME _____ ADDRESS _____ CITY _____

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 _____

OFFICER'S NAME Shaheen	ID NUMBER 1811	DATE 07/23/10 1515	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 07/29/10 1153	PAGE 1	OF 12
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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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	
4	E		1	Cartridge casing	Winchester	.223 Caliber	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Crime Scene #1			0	145704		<input checked="" type="checkbox"/>
DESCRIPTION 1 .223 Caliber Winchester cartridge casing collected by Det. Shaheen #1811 @ approx. 1133 hrs. on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
5	E		1	Cartridge casing	Winchester	.223 Caliber	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Crime Scene #1			0	145705		<input checked="" type="checkbox"/>
DESCRIPTION 1 .223 Caliber Winchester cartridge casing collected by Det. Shaheen #1811 @ approx. 1133 hrs. on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
6	E		1	Cartridge casing	Winchester	.223 Caliber	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Crime Scene #1			0	145706		<input type="checkbox"/>
DESCRIPTION 1 .223 Caliber Winchester cartridge casing collected by Det. Shaheen #1811 @ approx. 1133 hrs. on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
7	E		1	Cartridge casing	Winchester	.223 Caliber	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Crime Scene #1			0	145707		<input type="checkbox"/>
DESCRIPTION 1 .223 Caliber Winchester cartridge casing collected by Det. Shaheen #1811 @ approx. 1133 hrs. on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
8	E		1	Cartridge casing	Winchester	.223 Caliber	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Crime Scene #1			0	145708		<input checked="" type="checkbox"/>
DESCRIPTION 1 .223 Caliber Winchester cartridge casing collected by Det. Shaheen #1811 @ approx. 1133 hrs. on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
9	E		1	Photo only			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Crime Scene #1			0			<input type="checkbox"/>
DESCRIPTION 1 photograph, not collected, indicating where one of the deputies/shooters was positioned at Crime Scene #1. The site was indicated by the deputy.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
10	E		1	Water bottle	Belagio		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Crime Scene #1			0	145710		<input type="checkbox"/>
DESCRIPTION 1 Belagio water bottle positioned approx. 18" west of #9. Collected by Det. Shaheen #1811 @ approx. 1134 hrs on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
11	E		1	Folding knife	Sabre		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Approx. 30" from decedent's head @ Crime Scene #2			0	145711		<input checked="" type="checkbox"/>
DESCRIPTION 1 folding blade knife with a 3 1/4" blade & an off white handle. The name Sabre is imprinted into the blade of the knife. Collected by Det. Harrington #1744 @ approx. 1121 hrs on 07-22-10.								

OFFICER'S NAME Shaheen	ID NUMBER 1811	DATE 07/23/10 1515	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 07/29/10 1153	PAGE 2	OF 12
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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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	Medical debris			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Near the decedent @ Crime Scene #2			0	145712		<input type="checkbox"/>
DESCRIPTION Medical debris. Collected by Det. Harrington #1744 @ approx. 1200 hrs on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
13	E		1	Baseball hat			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Near the decedent's head @ Crime Scene #2			0	145713		<input checked="" type="checkbox"/>
DESCRIPTION 1 camouflage baseball hat. Collected by Det. Harrington #1744 @ approx. 1203 hrs on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
14	E		1	Medical debris			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Near the decedent @ Crime Scene #2			0	145714		<input checked="" type="checkbox"/>
DESCRIPTION 1 plastic bag that originally contained medical equipment. Collected by Det. Harrington #1744 @ approx. 1204 hrs on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
15	E		1	Cartridge casing	Winchester	.223 Caliber	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Approx 8' W of the decedent @ Crime Scene #2				145715		<input checked="" type="checkbox"/>
DESCRIPTION 1 .223 caliber Winchester cartridge casing. Collected by Det. Harrington #1744 @ approx. 1123 hrs on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
16	E		1	Cartridge casing	Winchester	.223 Caliber	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Approx 7 1/2' NW of the decedent @ Crime Scene #2			0	145716		<input checked="" type="checkbox"/>
DESCRIPTION 1 .223 caliber Winchester cartridge casing. Collected by Det. Harrington #1744 @ approx. 1153 hrs on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
17	E		1	Pellet gun	Beeman	Sportsman S2	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Near the decedent @ Crime Scene #2			0	145717		<input checked="" type="checkbox"/>
DESCRIPTION 1 .177 caliber pellet gun. Collected by Det. Harrington #1744 @ approx. an unknown time on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
18	E		1	.22 caliber rifle	Unknown	Unknown	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
None		Marijuana Garden			0	145718		<input checked="" type="checkbox"/>
DESCRIPTION 1 .22 caliber rifle. The rifle had 1 round chambered & 8 additional rounds in the loading tube. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
19	E		1	Backpack	HI TECH	TIOGA 80	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Marijuana Garden			0	145719		<input checked="" type="checkbox"/>
DESCRIPTION 1 green & black HI TECH TIOGA backpack. Collected by SERT on 07-22-10.								

OFFICER'S NAME Shaheen	ID NUMBER 1811	DATE 07/23/10 1515	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 07/29/10 1153	PAGE 3	OF 12
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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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		45	Bullets	Winchester	.223 caliber	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145720		<input checked="" type="checkbox"/>
DESCRIPTION 45 .223 caliber bullets. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
21	E		58	Bullets	Remington	.22 calibre short	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145721		<input checked="" type="checkbox"/>
DESCRIPTION 58 .22 caliber Remington short bullets. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
22	E		9	Bullets	Unknown	.22 caliber long	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0			<input checked="" type="checkbox"/>
DESCRIPTION 9 .22 caliber long bullets, unknown manufacturer. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
23	E		2	Bullets	PMC	.380 caliber	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145723		<input checked="" type="checkbox"/>
DESCRIPTION 2 .380 caliber PMC bullets. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
24	E		1	Bullet	Unknown	.38 caliber SPL	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145724		<input checked="" type="checkbox"/>
DESCRIPTION 1 .38 SPL caliber bullets, unknown manufacturer. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
25	E		6	Bullets	S&W	.38 caliber	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145725		<input checked="" type="checkbox"/>
DESCRIPTION 6 .38 caliber S&W bullets. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
26	E		16	Bullets	R-P	.38 SPL caliber	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145726		<input checked="" type="checkbox"/>
DESCRIPTION 16 .38 SPL caliber bullets. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
27	E		3	Shotgun slugs	Winchester	20 gauge	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145727		<input checked="" type="checkbox"/>
DESCRIPTION 3 20 gauge Winchester shotgun slugs. Collected by SERT on 07-22-10.								

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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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
60	E		2	Pellets	Unknown		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Marijuana Garden, Camp #4			0	145760	<input type="checkbox"/>
DESCRIPTION 2 small, green & white, round tins which contained air rifle pellets. Collected by SERT @ approx. 1610 hrs on 7-22-2010.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
61	E		1	Flip cell phone	LG	LGVX5600PP	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Left, rear, pants pocket of decedent @ Command Post			0	145761	<input checked="" type="checkbox"/>
DESCRIPTION Black LG flip cell phone. Collected by Det. Vandegraaf #1787 @ approx. 1320 hrs on 7-22-10.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
62	E		1	Lighter	Bic	Disposable	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Right, front, pants pocket of decedent @ Command Post			0	145762	<input type="checkbox"/>
DESCRIPTION White disposable Bic lighter. Collected by Det. Vandegraaf #1787 @ approx. 1322 hrs on 7-22-10							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
63	E		20	Pellets	Unknown		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Right, front, pants pocket of decedent @ Command Post			0	145763	<input type="checkbox"/>
DESCRIPTION Approx. 20 pellets Collected by Det. Vandegraaf #1787 @ approx. 1324 hrs. on 7-22-2010.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
64	E		1	Body bag	Unknown		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Coroner's Office			0	145764	<input type="checkbox"/>
DESCRIPTION 1 black body bag used to transport the decedent from the crime scene to the Coroner's Office. Collected by Det. Tracey #1819 @ approx. 1107 hrs. on 7-23-2010.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
65	E		2	Chest Seals	Unknown		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Decedent's chest @ Coroner's Office			0	145765	<input type="checkbox"/>
DESCRIPTION 2 chest seals. Collected by Det. Tracey #1819 @ approx. 1137 hrs. on 7-23-2010.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
66	E		1	Sheet	Unknown		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Inside the body bag @ Coroner's Office			0	145766	<input type="checkbox"/>
DESCRIPTION 1 White sheet and 1 ripped brown paper bag. Collected by Det. Tracey #1819 @ approx. 1104 hrs. on 7-23-2010.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
67	E		1	Shoe	Unknown	Right	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Decedent's right foot @ Coroner's Office			0	145767	<input type="checkbox"/>
DESCRIPTION Right shoe tasken off decedent during autopsy @ the Coroner's Office. Collected by Det. Tracey #1819 @ approx. 1038 hrs. on 7-23-2010.							

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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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	
28	E		8	Shotgun shells	Winchester	20 gauge	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED Marijuana Garden	VALUE 0	LOC CODE 145728		PROCESS EVIDENCE <input checked="" type="checkbox"/>
DESCRIPTION 8 20 gauge Winchester buckshot shells. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
29	E		2	Bottles	Vitamin Water		BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED Marijuana Garden	VALUE 0	LOC CODE 145729		PROCESS EVIDENCE <input checked="" type="checkbox"/>
DESCRIPTION 2 32 OZ Vitamin Water bottles. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
30	E		2	Pellet tins	Crosman	.177 caliber	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED Marijuana Garden	VALUE 0	LOC CODE 145730		PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION 2 round tins of Crosman .177 caliber pellets. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
31	E		1	Cigarettes	Marlboro		BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED Marijuana Garden	VALUE 0	LOC CODE 145731		PROCESS EVIDENCE <input checked="" type="checkbox"/>
DESCRIPTION 1 Marlboro cigarette carton filled with assorted cigarettes & butts. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
32	E		10	Seeds	Unknown	Marijuana	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED Marijuana Garden	VALUE 0	LOC CODE 145732		PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION Clear plastic bag twisted & tied shut which contained marijuana seeds. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
33	E		1	Letter	Unknown		BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED Marijuana Garden	VALUE 0	LOC CODE 145733		PROCESS EVIDENCE <input checked="" type="checkbox"/>
DESCRIPTION 1 handwritten letter, written in Spanish, with lipstick lip prints. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
34	E		1	Business card	Unknown		BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED Marijuana Garden	VALUE 0	LOC CODE 145734		PROCESS EVIDENCE <input type="checkbox"/>
DESCRIPTION 1 business card for "Mario's Landscaping" on the front & writing on the back. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
35	E		1	Scissors	Unknown		BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED Marijuana Garden	VALUE 0	LOC CODE 145735		PROCESS EVIDENCE <input checked="" type="checkbox"/>
DESCRIPTION 1 pair of scissors, unknown manufacturer, with a blue handle. Collected by SERT on 07-22-10.								

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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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	
36	E		1	Hat	TK		LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Marijuana Garden			VALUE	LOC CODE	PROCESS EVIDENCE
					0	145736	<input checked="" type="checkbox"/>
DESCRIPTION 1 camouflage baseball hat with "US ARMY" on the front of the hat. Collected by SERT on 07-22-10.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
37	E		1	Bottle	Coke	20 ounces	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Marijuana Garden			VALUE	LOC CODE	PROCESS EVIDENCE
					0	145737	<input checked="" type="checkbox"/>
DESCRIPTION 1 20 OZ, plastic, Coca Cola bottle. Collected by SERT on 07-22-10.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
38	E		1	Crackers	Unknown	Animal	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Marijuana Garden			VALUE	LOC CODE	PROCESS EVIDENCE
					0	145738	<input type="checkbox"/>
DESCRIPTION Plastic grocery bag with animal crackers inside. Collected by SERT on 07-22-10.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
39	E		1	Keys	Unknown	Keys/Remote	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Marijuana Garden			VALUE	LOC CODE	PROCESS EVIDENCE
					0	145739	<input type="checkbox"/>
DESCRIPTION 1 yellow colored key, 1 gray colored key, 1 multi-colored key & 1 black remote. Collected by SERT on 07-22-10.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
40	E		4	Toothbrushes	Unknown		LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Marijuana Garden			VALUE	LOC CODE	PROCESS EVIDENCE
					0	145740	<input checked="" type="checkbox"/>
DESCRIPTION 4 multi-colored toothbrushes. Collected by SERT on 07-22-10.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
41	E		1	Razor	Gillette	Disposable	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Marijuana Garden			VALUE	LOC CODE	PROCESS EVIDENCE
					0	145741	<input checked="" type="checkbox"/>
DESCRIPTION 1 plastic, Gillette, blue/green, disposable razor. Collected by SERT on 07-22-10.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
42	E		1	Nail clippers	Trim		LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Marijuana Garden			VALUE	LOC CODE	PROCESS EVIDENCE
					0	145742	<input type="checkbox"/>
DESCRIPTION 1 Trim brand nail clippers. Collected by SERT on 07-22-10.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
43	E		3	Spoons	Unknown		LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED Marijuana Garden			VALUE	LOC CODE	PROCESS EVIDENCE
					0	145743	<input checked="" type="checkbox"/>
DESCRIPTION 3 spoons inside a blue, plastic grocery bag. Collected by SERT on 07-22-10.							

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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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	
44	E		2	Cups	Unknown	Plastic	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145744		<input checked="" type="checkbox"/>
DESCRIPTION 2 green plastic cups. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
45	E		1	Pellet gun	Unknown	ELS122	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145745		<input checked="" type="checkbox"/>
DESCRIPTION 1 .22 Caliber Crosman ELS122 pellet gun with a camouflage lower receiver & a black Centerpoint 3-9 by 40AO scope. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
46	E		1	Rifle case	Unknown		BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145746		<input type="checkbox"/>
DESCRIPTION 1 black, soft, rifle case with a Stanley screwdriver & a shotgun cleaning kit inside. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
47	E		1	Pellet gun	Daisy	Unknown	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145747		<input checked="" type="checkbox"/>
DESCRIPTION 1 unknown caliber Daisy pump pellet gun with a black stock & green paint. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
48	E		1	Soap	Unknown		BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden	0	145748		<input checked="" type="checkbox"/>
DESCRIPTION 1 white bar of soap with a green washcloth. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
49	E		1	Pellets	Crosman	.177 caliber	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden, Camp #4	0	145749		<input type="checkbox"/>
DESCRIPTION 1 Crosman round tin with .177 caliber pellets. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
50	E		1	Bullet	FC Luger	9 MM	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden, Camp #4	0	145750		<input type="checkbox"/>
DESCRIPTION 1 9MM caliber bullet from FC Luger. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
51	E		1	Deodorant	Old Spice	Hi Endurance	BAR CODE Bar code	
SERIAL NUMBER				LOCATION COLLECTED	VALUE	LOC CODE		PROCESS EVIDENCE
				Marijuana Garden, Camp #4	0	145751		<input checked="" type="checkbox"/>
DESCRIPTION 1 red, Old Spice Hi Endurance deodorant. Collected by SERT on 07-22-10.								

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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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	
52	E		2	Disposable razors	Schick	Quattro	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Marijuana Garden, Camp #4			0	145752		<input checked="" type="checkbox"/>
DESCRIPTION 2 blue, Schick Quattro disposable razors. Collected by SERT on 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
53	E		2	Toothbrushes	Unknown		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Marijuana Garden, Camp #4			0	145753		<input checked="" type="checkbox"/>
DESCRIPTION 2, unknown brand toothbrushes, 1 white & green and 1 clear & purple. Collected by SERT @ approx. 1610 hrs on 7-22-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
54	E		1	Toothpaste	Colgate	Sparkling White	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Marijuana Garden, Camp #4			0	145754		<input type="checkbox"/>
DESCRIPTION 1 6.4 OZ tube of Colgate Sparkling White toothpaste. Collected by SERT @ approx. 1610 hrs on 7-22-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
55	E		1	Plastic cup	Unknown		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Marijuana Garden, Camp #4			0	145755		<input checked="" type="checkbox"/>
DESCRIPTION 1 large, green plastic cup. Collected by SERT @ approx. 1610 hrs on 7-22-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
56	E		3	Plastic Cups	Unknown		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Marijuana Garden, Camp #4			0	145756		<input checked="" type="checkbox"/>
DESCRIPTION 1 small, green plastic cups. Collected by SERT @ approx. 1610 hrs on 7-22-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
57	E		1	Energy drink	5 Hour Energy	Pomegranate	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Marijuana Garden, Camp #4			0	145757		<input type="checkbox"/>
DESCRIPTION 1 4 OZ unopened bottle of 5 hour energy Pomegranate flavored energy drink. Collected by SERT @ approx. 1610 hrs on 7-22-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
58	E		1	Cardboard			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Marijuana Garden, Camp #4			0	145758		<input type="checkbox"/>
DESCRIPTION Small piece of cardboard with handwriting on 1 side. Collected by SERT @ approx. 1610 hrs on 7-22-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
59	E		2	Marijuana seeds	Unknown		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Marijuana Garden, Camp #4			0	145759		<input type="checkbox"/>
DESCRIPTION 2 plastic ziplock bags with marijuana seeds inside. Collected by SERT @ approx. 1610 hrs on 7-22-2010.								

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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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	
68	E		1	Shoe	Unknown	Left	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent's left foot @ Coroner's Office			0	145768		<input type="checkbox"/>
DESCRIPTION Left shoe taken off decedent during autopsy. Collected by Det. Tracey #1819 @ approx. 1035 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
69	E		1	Tissue			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Left, front, pants pocket of decedent @ Coroner's Office			0	145769		<input type="checkbox"/>
DESCRIPTION Piece of white tissue and strip of dark plastic. Collected by Det. Tracey #1819 @ approx. 1031 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
70	E		1	Wrist watch	Unknown		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent's left wrist @ Coroner's Office			0	145770		<input type="checkbox"/>
DESCRIPTION Dark colored wrist watch removed from wrist during autopsy. Collected by Det. Tracey #1819 @ approx. 1012 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
71	E		1	Necklace			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Coroner's Office			0	145771		<input type="checkbox"/>
DESCRIPTION Red & brown rosary type necklace removed from decedent during autopsy. Collected by Det. Tracey #1819 @ approx. 10356 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
72	E		1	Sock	Unknown		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Coroner's Office			0	145772		<input type="checkbox"/>
DESCRIPTION Light colored sock removed from decedent during autopsy. Collected by Det. Tracey #1819 @ approx. 1058 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
73	E		1	T-shirt	Unknown	Crew neck	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Coroner's Office			0	145773		<input type="checkbox"/>
DESCRIPTION Brown & tan camouflage, men's t-shirt, removed from decedent during autopsy. Collected by Det. Tracey #1819 @ approx.1026 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
74	E		1	Underwear	Unknown	Bikini	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent @ Coroner's Office			0	145774		<input type="checkbox"/>
DESCRIPTION Men's bikini type underwear, unknown size, removed from decedent during autopsy. Collected by Det. Tracey #1819 @ approx. 1103 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
75	E		1	Sock	Unknown		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Coroner's Office			0	145775		<input type="checkbox"/>
DESCRIPTION Light colored sock removed from decedent during autopsy. Collected by Det. Tracey #1819 @ approx. 1035 hrs. on 7-23-2010.								

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Shaheen	1811	07/23/10 1515	II FSS	Pugh, Jr., Luther C.	1343	07/29/10 1153	10	12

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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	
76	E		1	Flex cuffs	Unknown		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent's wrists @ Coroner's Office			0	145776		<input type="checkbox"/>
DESCRIPTION 1 pair of black flex cuffs removed from decedent, by the Coroner, during autopsy. Collected by Det. Tracey #1819 @ approx. 1011 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
77	E		1	Shirt	Unknown	Tank top	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent @ Coroner's Office			0	145777		<input type="checkbox"/>
DESCRIPTION Blue ribbed tank top removed from decedent during autopsy. Collected by Det. Tracey #1819 @ approx. 1033 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
78	E		1	Brown bag	Unknown		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent's right hand @ Coroner's Office			0	145778		<input type="checkbox"/>
DESCRIPTION Brown paper bag used to coverdecedent's right hand during transportation from the crime sceneto the Coroner's Office. Collected by Det. Tracey #1819 on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
79	E		1	Brown bag	Unknown		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent's left hand @ Coroner's Office			0	145781		<input type="checkbox"/>
DESCRIPTION Brown paper bag used to coverdecedent's left hand during transportation from the crime sceneto the Coroner's Office. Collected by Det. Tracey #1819 @ approx. 1005 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
80	E		1	Bullet	Winchester	.223 caliber	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent's left arm @ Coroner's Office			0	145780		<input type="checkbox"/>
DESCRIPTION 1 Winchester .223 caliber bullet removed from decedent during autopsy. Brown paper bag used to coverdecedent's right hand during transportation from the crime sceneto the Coroner's Office.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
81	E		1	Bullet	Winchester	.223 caliber	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent's chest @ Coroner's Office			0	145781a		<input type="checkbox"/>
DESCRIPTION 1 Winchester .223 caliber bullet removed from decedent during autopsy. Collected by Det. Tracey #1819 @ approx. 1400 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
82	E		1	Bullet	Winchester	.223 caliber	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent's abdomen @ Coroner's Office			0	145782		<input type="checkbox"/>
DESCRIPTION 1 Winchester .223 caliber bullet removed from decedent during autopsy. Collected by Det. Tracey #1819 @ approx. 1411 hrs. on 7-23-2010.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
83	E		1	Hair sample			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Decedent's face @ Coroner's Office			0	145783		<input type="checkbox"/>
DESCRIPTION Facial hair sample collected from decedent during autopsy. Collected by Det. Tracey #1819 @ approx. 1044 hrs. on 7-23-2010.								

OFFICER'S NAME Shaheen	ID NUMBER 1811	DATE 07/23/10 1515	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 07/29/10 1153	PAGE 11	OF 12
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REPORT TYPE <input type="checkbox"/> Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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
84	E		1	Blood panel			
SERIAL NUMBER		LOCATION COLLECTED Coroner's Office			VALUE 0	LOC CODE 145784	
DESCRIPTION Blood panel sheet collected from decedent during autopsy. Collected by Det. Tracey #1819 @ approx. 1530 hrs. on 7-23-2010.							

OFFICER'S NAME Shaheen	ID NUMBER 1811	DATE 07/23/10 1515	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 07/29/10 1153	PAGE 12	OF 12
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REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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

	<p style="font-size: 18pt; font-weight: bold;">Office of the Sheriff Santa Clara County</p> <p style="margin-top: 20px;">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"/> 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	<p style="font-size: 18pt; font-weight: bold;">LOCATION</p> <p style="font-size: 24pt; font-weight: bold;">BAR CODE</p> <p style="font-weight: bold;">Bar code</p>	
1	E		1	RIFLE	COLT	AR 15 A3		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		COLLECTED FROM DEPUTY DIBERT AT THE COMMAND POST			0	145611		X
DESCRIPTION ONE AR 15 A3 RIFLE COLLECTED FROM DEPUTY DIBERT AT THE COMMAND POST AT APPROX 1852 HOURS BY 1787 ON 07-22-10.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<p style="font-size: 18pt; font-weight: bold;">LOCATION</p> <p style="font-size: 24pt; font-weight: bold;">BAR CODE</p> <p style="font-weight: bold;">Bar code</p>	
2	E		1	RIFLE MAGAZINE	COLT	AR15 A3		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		COLLECTED FROM DEPUTY DIBERT AT THE COMMAND POST			0	145612		X
DESCRIPTION ONE COLT AR 15 A3 ASSAULT RIFLE MAGAZINE CONTAINING 26 .223 CALIBER WINCHESTER BULLETS. COLLECTED AT THE COMMAND POST BY #1787 @ APPROX. 1852 HRS ON 07-22-10								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<p style="font-size: 18pt; font-weight: bold;">LOCATION</p> <p style="font-size: 24pt; font-weight: bold;">BAR CODE</p> <p style="font-weight: bold;">Bar code</p>	
3	E		1	RIFLE MAGAZINE	COLT	AR 15 A3		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		COLLECTED FROM DEPUTY DIBERT AT THE COMMAND POST			0	145613		X
DESCRIPTION ONE AR 15 MAGAZINE W-CAMOFLAGE TAPE ON BOTTOM. CONTAINING 30 WINCHESTER .223 CALIBER BULLETS. MAGAZINE COLLECTED AT THE COMMAND POST BY #1787 @ APPROX.								

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
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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 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
Vandergraaf, S.	1787	07/23/10 1115	III SSM	Pugh, Jr., Luther C.	1343	07/27/10 1445	1	2

REPORT TYPE <input type="checkbox"/> [O] Officer Involved Shooting	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 10-202-0038E	<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		
4	E		1	BULLET	WINCHESTER	.223	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
				COLLECTED FROM THE CHAMBER OF DEPUTY DIBERT'S AR 15 @ THE CP		0		145614	<input checked="" type="checkbox"/>
DESCRIPTION									
ONE WINCHESTER .223 CALIBER BULLET COLLECTED BY 1787 @ APPROX 1852 HRS ON 07-22-10									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
5	E		1	RIFLE	COLT	AR 15 A3	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
				COLLECTED FROM DEPUTY DAMIGO		0		145615	<input checked="" type="checkbox"/>
DESCRIPTION									
ONE AR 15 A3 RIFLE COLLECTED FROM DEPUTY DAMIGO AT THE COMMAND POST AT APPROX 1852 HRS BY 1787 ON 07-22-10									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
6	E		1	RIFLE MAGAZINE	COLT	AR 15 A3	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
				COLLECTED FROM DEPUTY DAMIGO AT THE COMMAND POST		0		145616	<input checked="" type="checkbox"/>
DESCRIPTION									
ONE AR 15 RIFLE MAGAZINED CONTAINING 25 .223 WINCHESTER .BULLETS. COLLECTED FROM DEPUTY DAMIGO AT THE COMMAND POST BY 1787 AT APPROX 1852 HOURS ON 07-22-									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
7	E		1	BULLET	WINCHESTER	.223 CALIBER	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
				COLLECTED FROM THE CAMBER OF DEPUTY DAMINGO'S AR 15 RIFLE		0		145617	<input checked="" type="checkbox"/>
DESCRIPTION									
ONE WINCHESTER BULLET COLLECTED FROM CHAMBER OF DEPUTY DAMINGO'S RIFLE ON 07-22-10 AT APRX 1852 HOURS BY #1787									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
8	E		1	RIFLE	COLT	AR 15 A3	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
				COLLECTED FROM DEPUTY FONTANA AT THE COMMAND POST		0		145618	<input checked="" type="checkbox"/>
DESCRIPTION									
ON AR 15 A3 RIFLE COLLECTED FROM DEPUTY FONTANA AT THE COMMAND POST BY 1787 AT APPROXIMATELY 1852 HRS ON 07-22-10.									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
9	E		1	RIFLE MAGAZINE	COLT	AR 15 A3	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
				COLLECTED FROM DEPUTY FONTANA AT THE COMMAND POST		0		145619	<input checked="" type="checkbox"/>
DESCRIPTION									
ON AR 15 MAGAZINE CONATIANING 30 WINCHESTER .223 BULLETS. COLLECTED BY 1787 AT APPROX 1852 HOURS ON 07-22-10									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
10	E		1	RIFLE MAGAZINE	COLT	AR 15 A3	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
				COLLECTED FROM DEPUTY FONTANA AT THE COMMAND POST		0		145620	<input checked="" type="checkbox"/>
DESCRIPTION									
ONE AR 15 RIFLE MAGAZINE CONAINING 21 WINCHESTER .223 CALIBER BULLETS. COLLECTED BY 1787 AT APPROX 1852 HOURS ON 07-22-10									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
11	E		1	BULLET	WINCHESTER	.223 CALIBER	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
				COLLECTED FROM THE CHAMBER OF DEPUTY FONTANA'S AR 15 AT CP		0		145621	<input checked="" type="checkbox"/>
DESCRIPTION									
ONE WINCHESTER .223 CALIBER BULLET. COLLECTED BY 1787 AT THE COMMAND POST AT APPROX. 1852 HOURS ON 07-22-10.									

OFFICER'S NAME Vandergraaf, S.	ID NUMBER 1787	DATE 07/23/10 1115	SHIFT/DAYS OFF III SSM	SUPERVISORS REVIEW Pugh, Jr., Luther C.	ID NUMBER 1343	DATE 07/27/10 1445	PAGE 2	OF 2
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LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **INVESTIGATION:**

2

3 On 07-21-10, at approximately 1055 hours, Deputy Chilton and I were
 4 dispatched to assist with an officer involved shooting off Mines
 5 Road, near the Alameda County line. While en route I was diverted to
 6 respond to Del Valle Regional Park to establish a perimeter / entry
 7 point to the crime scene.

8

9 At 1345 hours I began my crime scene log for entrance into the ¿N3¿
 10 ranch. The ¿N3¿ Ranch is located at _____ in
 11 Livermore. This gate is approximately 15 miles away from the crime
 12 scene and is the only known entrance point.

13

14 **CRIME SCENE LOG:**

15

16 1415 hours, Alameda County S.O. Fox 1575, entered the scene.

17 1415 hours, Alameda County S.O. Gosal 1459, entered the scene.

18 1430 hours, Alameda County S.O. Miller 1090, exited the scene.

19 1430 hours, Alameda County S.O. Gilkerson 1263, exited the scene.

20 1505 hours, _____, exited the scene.

21 1510 hours, Santa Clara County S.O. Lt. Morrissey 1689, exited the
 22 scene.

23 1612 hours, Alameda County S.O. Gilkerson 1263, entered the scene.

24 1612 hours, Santa Clara County S.O. Sgt. Elder 1792, entered the
 25 scene.

26 1612 hours, Santa Clara County S.O. Dep. Allen 1865, entered the
 27 scene.

28 1612 hours, Santa Clara County S.O. Sgt. Alanis 1678, entered the
 29 scene.

30 1612 hours, Santa Clara County S.O. Sgt. Mcalister 1706, entered the

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 scene.

2 1612 hours, Santa Clara County Criminalist , entered the

3 scene.

4 1612 hours, Santa Clara County S.O. Sgt Quinonez 1644, entered the

5 scene.

6 1612 hours, Santa Clara County S.O. Dep. Harrington 1744, entered the

7 scene.

8 1612 hours, Santa Clara County D.A Investigator Reyes, entered the

9 scene.

10 1612 hours, Santa Clara County S.O. Sgt Cardoza 1758, entered the

11 scene.

12 1612 hours, Santa Clara County S.O. Sgt Leon 1685, entered the

13 scene.

14 1612 hours, Santa Clara County S.O. Dep. Tracy 1819, entered the

15 scene.

16 1615 hours, , entered the scene.

17 1615 hours, , entered the scene.

18 1715 hours, Alameda County S.O. Fox 1575, exited the scene.

19 1715 hours, Alameda County S.O. Gosal 1459, exited the scene.

20 1717 hours, Alameda County S.O. M. Ortiz 1458, exited the scene.

21 1717 hours, Alameda County S.O. M. Farruggia 1436, exited the scene.

22 1717 hours, Alameda County S.O. S. Peterson 893, exited the scene.

23 1717 hours, Alameda County S.O. G. Mora 1642, exited the scene.

24 1717 hours, Alameda County S.O. K. Lydon 1727, exited the scene.

25 1717 hours, Alameda County S.O. D. Pope 441, exited the scene.

26 1726 hours, Santa Clara County S.O. Dep. Moore, exited the scene.

27 1726 hours, Santa Clara County S.O. Reserve Dep. Amaro 9288, exited

28 the scene.

29

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) 47300 Mines Rd / San Jose / 95550 / N3 Cattle Ranch off Del Valle Rd in Livermore	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 INVESTIGATION CONTINUED:

2

3 At 1730 hours, I was relieved on permiter by Deputy Sheridan.

4

5

6 P.L.E.O.S.:

7

8 Deputy Sheridan #1905 Original Report

9 Deputy D. Enright #2094 Supplemental

10 Deputy Chilton #1598 Assist / No Report

11 Deputy Randall #1736 Assist / No Report