

Office of the Sheriff, Santa Clara County

55 W. Younger Avenue, San Jose, CA 95110

INJURY
 BOOKING
 CITE RELEASE

CASE NO. 13-077-0391E

BEAT E4
TYPE OF FORCE: HANDS/FEET KNIFE/CUTTING INSTR.
 FIREARM OTHER Vehicle

INCIDENT REPORT

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F]
Recovered Stolen Vehicle <> 496D(a) PC [F] Possession of

Table with columns: OCCURRED, DATE, TIME, DAY. Rows: ON OR FROM, TO, REPORTED.

LOCATION OF INCIDENT Jerilyn Drive @ Athene Drive / San Jose / 95127

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

RECORDS ROUTING VICTIM ADVISED: SEXUAL ASSAULT VICWIT ASSIST. DOMESTIC VIOLENCE INTERPRETER NEEDED: SPANISH VIETNAMESE OTHER

ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE

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

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

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

DET. DIV. VICTIM ADVISED: SEXUAL ASSAULT VICWIT 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

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 Table with columns: ITEM#, QTY, BRAND, MODEL, DESCRIPTION OF PROPERTY, SERIAL NO., VALUE

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

HATE ELDER CHILD Synopsis: S01 and S02 attempted to evade Law Enforcement officers while in a stolen vehicle. S01 attempted to maliciously injure and kill officers using his stolen car as a weapon. S01 was shot by Law Enforcement Officers and transported to a nearby hospital where he was pronounced dead. Detectives and Crime scene Investigators took photos and collected evidence. S02 was subsequently in possession of burglary tools and in violation of his probation. S02 was booked into the Main Jail.

Table with columns: Where Occurred, Property Attacked, Method of Entry, Suspect Actions. Includes various checkboxes for incident details.

OTHER MO INFORMATION DIAGRAM ASSOCIATED CASE NUMBERS: SJPD #130770639, 130750566 OTHER ROUTING: SJPD

CCTV OFFICER'S NAME ID NUMBER DATE SHIFT/DAYS OFF SUPERVISORS REVIEW ID NUMBER DATE PAGE OF

BOOKED
 CITED
 849(B) PC
 COMPLAINT REVIEW
 INFO ONLY
 AT LARGE
 VMC
 SEE JCR

S# 01 LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	RACE	M F	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"/> SPEECH <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 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.
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BOOKED
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 849(B) PC
 COMPLAINT REVIEW
 INFO ONLY
 AT LARGE
 VMC
 SEE JCR

S# 02 LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	RACE	M F	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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<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 checked="" type="checkbox"/> SHORT <input type="checkbox"/> GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES	<input type="checkbox"/> RECEDING <input checked="" type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE <input type="checkbox"/> SPEECH <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER <input type="checkbox"/> HANDED <input type="checkbox"/> LEFT <input checked="" type="checkbox"/> RIGHT	<input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MAN <input checked="" 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	<input type="checkbox"/> HEAVY <input checked="" 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	<input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input checked="" type="checkbox"/> MEDIUM APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADD'L, SEE NARRATIVE	<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 checked="" 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.
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SUSPECT VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
SUSPECT#	1	1999 HONDA	CIVIC	2 dr	WHITE		

ADDITIONAL IDENTIFIERS:	<input type="checkbox"/> LOWERED <input type="checkbox"/> RAISED <input type="checkbox"/> SPECIAL PAINT <input type="checkbox"/> SPECIAL WHEEL <input type="checkbox"/> SUN ROOF/T-TOP
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R/O'S NAME (LAST, FIRST, MIDDLE)	<input type="checkbox"/> SAME AS SUSPECT #	ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE
					Front and rear

VICTIM VEHICLE WAS:	<input type="checkbox"/> STOLEN <input checked="" type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> RELEASED AT SCENE <input checked="" type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 ATTACHMENTS:

2

3 CHP 180

4

5 INVESTIGATION:

6

7 On 3-18-2013 at approximately 1846 hours, County Communications

8 advised that a San Jose Police Department Officer was involved in a

9 shooting and was injured. The shooting occurred on Jerilyn Drive at

10 Athene Drive in the unincorporated area of San Jose. We were advised

11 that the shooting occurred in front of . Deputy

12 Somerville was first on scene. (Refer to Deputy Somerville's report

13 for further details)

14

15 Deputy Munoz and I responded to assist. As we were responding, County

16 Communications advised that the vehicle the suspects were driving was

17 reported stolen .

18

19 Deputy Munoz and I arrived on Jerilyn Drive at Serrano Avenue at

20 approximately 1949 hours. SJPD had an inner and outer perimeter set

21 up at the scene. I spoke with SJPD Officer Truong #3632 who was in

22 charge of the inner perimeter crime scene log. At 1925 hours I

23 relieved Officer Truong and took over the inner crime scene log.

24 Refer to Officer Truong's report #130770639 for entries into the

25 crime scene prior to my arrival.

26

27 At approximately 1950 hours, Sergeant Richmond informed me to relocate

28 my post to Athene Drive at Jerilyn Drive and designate that side of

29 the scene as the only entry point into the inner crime scene. I

30 relieved Deputy Somerville as crime scene log from the corner of

OFFICER'S NAME Mitre	ID NUMBER 2160	DATE 03/19/13 231	SHIFT/DAYS OFF C TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1147	PAGE 3	OF 10
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REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E				
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 Jerilyn Drive at Athene Drive. Refer to Deputy Somerville's 2 supplemental report for entries into the inner perimeter prior to my 3 arrival. 4 5 Officers at the scene informed me that S01 was transported 6 to a local hospital prior to my arrival. S02 was 7 transported by Deputy Tolbertson #2155 and DeSantiago #2024 to 8 Sheriff's Office Headquarters for questioning. Subsequent to Deputy 9 Tolbertson's investigation, he found S02 to be on probation 10 and in violation of PC 1203.2(a), PC 466 and PC 496D(a) (Refer to 11 Deputy Tolbertson's supplemental report for S02 statement and 12 further details). 13 14 SJPD officers that were involved were escorted to Sheriff's Office 15 Headquarters for further questioning. 16 17 CRIME SCENE: 18 19 The location of the shooting was on Jerilyn Drive. The shooting 20 occurred on the street. Jerilyn Drive runs east to west. The 21 nearest cross street to the shooting is Athene Drive which runs north 22 to south and turns into Jerilyn Drive. The far westside of Jerilyn 23 Drive is when it turns into Athene Drive. Where the two streets meet 24 there is a 90 degree bend in the road way. There are single story 25 homes on the south and north sides of Jerilyn Drive. 26 27 The suspect's white 2 door Honda Civic, was facing east on 28 Jerilyn Drive. There were cars parked on Jerilyn Drive in front of 29 the houses. The suspect's vehicle collided into the rear of another 30 vehicle traveling east on Jerilyn Drive. Three other vehicles were								
OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 involved in a collision traveling west on Jerilyn Drive. (For
2 further details refer to the crime scene investigators report).
3
4 INVESTIGATION CONTINUED:
5
6 Deputies Barker #2093, Somerville #2124, Breit #1997, Vandergraf
7 #1787, and Walker #2079 canvassed the area in order to locate any
8 possible witnesses within the crime scene.
9
10 THE FOLLOWING WITNESSES WERE LOCATED:
11
12 Deputy Somerville met with W01 who lives at
13 . Refer to Deputy Somerville's supplemental report for
14 W01 Harrington's statement.
15
16 Deputy Vandergraf met with W02 who lives at
17 . Refer to Deputy Vandergraf's supplemental report for
18 W02 statement.
19
20 Deputy Walker met with W03 who lives at
21 . Refer to Deputy Walker's supplemental report for W03
22 statement.
23
24 INVESTIGATION CONTINUED:
25
26 At approximately 2118 hours Santa Clara County Sheriff's Detectives,
27 Crime Scene Investigators and District Attorney Investigators arrived
28 and took over the investigation.
29
30 The following is the log of all personel who entered and exited the

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REPORT TYPE SUPPLEMENTAL
**664/187 PC [F] Attempted Murder <> 10851(a) VC [F]
 Recovered Stolen Vehicle <> 496D(a) PC [F]**

Office of the Sheriff
 Santa Clara County
 NARRATIVE FORM

CASE NO. **13-077-0391E**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Jerilyn Drive @ Athene Drive / San Jose / 95127

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

1	inner perimeter.		
2			
3	CRIME SCENE LOG:		
4			
5	Deputy Barker #2093	Entered: 1932	Exited: 2005
6	Sgt. Richmond #2006	Entered: 1952	Exited: 2009
7	SJPD Sgt. Barth #2706	Entered: 1952	Exited: 2002
8	Lt. Vasquez #1590	Entered: 1952	Exited: 2002
9	Cpt. Sung #1853	Entered: 1952	Exited: 2008
10	Deputy Stephens #9318	Entered: 2000	Exited: 2337
11	SJFD Malloy #518 Engine #SQ26	Entered: 2002	Exited: 2305
12	SJFD Kurpinsky #871 Engine #SQ26	Entered: 2002	Exited: 2305
13	Deputy DeSantiago #2024	Entered: 2005	Exited: 2010
14	Deputy Tolbertson #2155	Entered: 2005	Exited: 2010
15	SJPD Tanner #3733	Entered: 2019	Exited: Perimeter
16	SJPD Barth #2706	Entered: 2023	Exited: 2025
17	Deputy Munoz #2077	Entered: 2027	Exited: 2033
18	Sgt. Richmond #2006	Entered: 2030	Exited: 2033
19	Deputy Somerville #2124	Entered: 2040	Exited: 2136
20	Deputy Breit #1997	Entered: 2041	Exited: 2148
21	Deputy Barker #2093	Entered: 2051	Exited: 2059
22	Sgt. Richmond #2006	Entered: 2058	Exited: 2059
23	Lt. Vasquez #1590	Entered: 2104	Exited: 2107
24	Lt. Vasquez #1590	Entered: 2109	Exited: 2109
25	Sgt. Richmond #2006	Entered: 2110	Exited: 2112
26	Sgt. Richmond #2006	Entered: 2118	Exited: 2129
27	Deputy Cortez #1887	Entered: 2118	Exited: 0555
28	Deputy Mah #2055	Entered: 2118	Exited: 0555
29	Sgt. Leon #1685	Entered: 2118	Exited: 2140
30	Sgt. Quionez #1644	Entered: 2120	Exited: 2134

OFFICER'S NAME Mitre	ID NUMBER 2160	DATE 03/19/13 231	SHIFT/DAYS OFF C TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1147	PAGE 6	OF 10
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1	Sgt. Brown #1688	Entered: 2120	Exited: 2134
2	Cpt. Rodriquez #1659	Entered: 2120	Exited: 2134
3	SJPD Lt. Kihmm #3102	Entered: 2120	Exited: 2129
4	D.A. Investigator Sterner #4A7	Entered: 2120	Exited: 2129
5	D.A. Investigator Gaynor #107	Entered: 2120	Exited: 2134
6	D.D.A. Mendoza	Entered: 2120	Exited: 2135
7	Deputy Barker #2093	Entered: 2131	Exited: 2136
8	D.A. Sterner #4A7	Entered: 2132	Exited: 2134
9	Deputy Gonzales #1826	Entered: 2133	Exited: 2139
10	Deputy Vandergraf #1787	Entered: 2131	Exited: 2210
11	Deputy Gonzales #1826	Entered: 2240	Exited: 0540
12	Sgt. Moore #1908	Entered: 2240	Exited: 2340
13	Sgt. Fisher #1715	Entered: 0015	Exited: 0412
14	Cpt. Rodriquez #1659	Entered: 0019	Exited: 0033
15	Sgt. Leon #1685	Entered: 0145	Exited: 0555
16			
17			
18	At 2232 approximately hours		and his son
19	left		which is located in the inner
20	perimeter of the crime scene. The two were visiting some friends and		
21	did not witness anything. Both were told not to disturb anything		
22	within the scene and were escorted out of the scene by Crime Scene		
23	Investigators.		
24			
25	At 2240 hours	entered the crime scene.	lives at
26	,	located in the inner perimeter of the crime	
27	scene.	was at work during the incident and did not witness	
28	anything.	was told not to disturb any evidence at the scene and	
29	was escorted to his house by Sgt. Leon. At 0538 hours		was
30	escorted from his house in order to exit the scene.		

OFFICER'S NAME Mitre	ID NUMBER 2160	DATE 03/19/13 231	SHIFT/DAYS OFF C TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1147	PAGE 7	OF 10
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 At 0050 hours entered the crime scene.

3 lives at , located in the inner perimeter of the

4 crime scene. was at a friend's house during the incident

5 and did not witness anything. was told not to disturb the

6 crime scene and was escorted to his house by Sgt. Leon.

7

8 At 2003 hours , , and

9 entered the scene. , and live at

10 , located in the inner perimeter of the crime scene.

11 is a family friend who is staying with them. The four were not

12 home when the incident happened and did not witness anything. All

13 four were told not to disturb the crime scene and were escorted to

14 their house by Sgt. Leon.

15

16 San Jose Police Officers Nguyen #4129, Dorn #4021 and Plares #4008

17 entered the scene at 0244 hours while being escorted by Sgt. Leon.

18 The three officers took personal property out of the involved

19 vehicles. They also took a department SUV from within the

20 scene. All three officers exited the scene at 0253 hours.

21

22 San Jose Police Officers Nguyen #4129 and Dorn #4021 returned and

23 entered the crime scene at 0509 hours. The two Officers took a

24 department SUV and exited the scene at 0512 hours.

25

26

27 INVESTIGATION CONTINUED:

28

29 Crime Scene Investigator Sgt. Leon approved the release of the

30 remaining SJPD involved vehicles and to SJPD.

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1								
2 Unique Tow arrived on scene at 0533 hours and towed SJPD vehicles								
3 and to SJPD Headquarters.								
4								
5 At 0555 hours Crime Scene Investigators left the scene and Sgt. Leon								
6 relinquished custody to scene and suspects vehicle to me. It was the								
7 only vehicle left at the crime scene.								
8								
9 SUSPECT VEHICLE:								
10								
11 A records check confirmed that the white Honda Civic S01								
12 was driving, was reported stolen. Per Sgt. Leon San Jose Tow								
13 was notified at 0544 hours, to tow and impound the stolen vehicle per								
14 CVC 22655.5(a). San Jose Tow arrived on scene at 0635 hours.								
15								
16 At 0646 hours the inner and outer perimeter of the crime scene were								
17 broken down. At that time Deputy Munoz #2077 and I escorted San Jose								
18 Tow with the suspects vehicle to Sheriff's Office Evidence site. We								
19 arrived at 0707 hours, where I relinquished custody of the vehicle to								
20 Sgt. Leon.								
21								
22 I spoke with and she removed the Civic from SVS and								
23 entered the car as impounded for evidence collection.								
24								
25 For further details refer to the Crime Scene Investigator's								
26 Supplemental Reports and Sheriff's Office Detective's Supplemental								
27 Reports.								
28								
29 P.L.E.O:								
30								
OFFICER'S NAME Mitre	ID NUMBER 2160	DATE 03/19/13 231	SHIFT/DAYS OFF C TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1147	PAGE 9	OF 10

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CASE
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Jerilyn Drive @ Athene Drive / San Jose / 95127

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

- 1 Deputy Mitre, #2160- Original Report
- 2 Deputy Munoz, #2077- Assist
- 3 Deputy DeSantiago, #2024- Assist
- 4 Sgt. Richmond, #2006- Supplemental Report
- 5 Deputy Somerville, #2124- Supplemental Report
- 6 Deputy Barker, #2093- Supplemental Report
- 7 Deputy Breit, #1997- Supplemental Report
- 8 Deputy Walker, #2079- Supplemental Report
- 9 Deputy Vandergraf, #1787- Supplemental Report
- 10 Deputy Tolberston, #2155- Supplemental Report
- 11 Deputy Stephens, #9318- Supplemental Report
- 12 Sgt. Leon, #1685- Investigation
- 13 Deputy Cortez, #1887- Investigation
- 14 Deputy Mah, #2055- Investigation
- 15 Sgt. Quionez, #1644- Investigation
- 16 Sgt. Brown, #1688- Investigation
- 17 Deputy Gonzales, #1826- Investigation
- 18 Sgt. Fisher, #1715- Investigation

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
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Jerilyn Drive @ Athene Drive / San Jose / 95127

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

1 On 06/21/17 Capt. D. Rodriguez 1659, handed me a letter from San Jose
2 Police Department for the release of Officer Barthelemy's service
3 weapon. Letter submitted to evidence.

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Miller, Robert	7192	06/21/17 900	SS	Rodriguez, Daniel	1659	06/26/17 1240	1	2

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	13-077-0391E	<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"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	---

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
19	E		1	LETTER				
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		55. W. YOUNGER AVE. SAN JOSE 95110			0	345839		<input type="checkbox"/>
DESCRIPTION ONE LETTER FROM SAN JOSE POLICE DEPARTMENT CHIEF OF POLICE EDGARDO GARCIA FOR RELEASE OF OFFICER'S BARTHELEMY SERVICE WEAPON.								

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 DAT	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
		AND

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME	ADDRESS	CITY
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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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
Miller, Robert	7192	06/21/17 900	SS	Rodriguez, Daniel	1659	06/26/17 1240	2	2

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 EVIDENCE
2
3 On 11/5/13, I booked a hand written map into evidence at Sheriff's
4 Office Headquarters. The map was drawn by Officer De La Cruz #3341
5 during her interview.
6
7 End of Report
8
9 Sgt. Dennis Owens #1695 Supp

OFFICER'S NAME Owens Jr., Dennis A.	ID NUMBER 1695	DATE 11/05/13 1616	SHIFT/DAYS OFF 2 ssm	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 11/14/13 942	PAGE 1	OF 2
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	13-077-0391E	<input type="checkbox"/> HEALTH HAZARD
---	---	-----------------	----------	---------------------	---

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

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS
<div style="float: right; text-align: center;"> <p style="font-size: 18pt; font-weight: bold;">Office of the Sheriff</p> <p style="font-size: 18pt; font-weight: bold;">Santa Clara County</p> <p>55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p> </div>	

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<p style="font-size: 18pt; font-weight: bold;">LOCATION</p> <p style="font-size: 24pt; font-weight: bold;">BAR CODE</p> <p>Bar code</p>
1	E		1	Document			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	
		Sheriff's Investigations 3rd floor interview room			0	197366	<input type="checkbox"/>
DESCRIPTION Hand drawn map of incident scene by SJPD Officer De La Cruz #3341							

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

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME	ADDRESS	CITY
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Owens Jr., Dennis A.	1695	11/05/13 1616	2 ssm	Urena, Ricardo	1815	11/14/13 942	2	2

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E				
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 INVESTIGATION:								
2								
3 On 03-18-2013, at approximately 1920 hours, I responded to								
4 in San Jose for a shooting involving San Jose Police								
5 Department. I arrived on scene and made contact with Sergeant								
6 Oberdorfer. Sergeant Oberdorfer instructed me to respond to San Jose								
7 Regional Hospital and stand by with S01- that was transported.								
8								
9								
10 At approximately 1933 hours, I responded to San Jose Regional								
11 Hospital. At approximately 1941 hours, I arrived and spoke with the								
12 staff in the Emergency Room (ER). The staff escorted me to room 23 in								
13 the ER where S01- was being held. I relieved two San Jose Police								
14 Officers, Pina #3930 and Fonseca #3939, outside room 23 and took over								
15 the custody of S01- body.								
16								
17 While outside room 23, a security officer for San Jose Regional								
18 Hospital approached me and advised S01- sister was outside in								
19 the lobby and wanted information. I advised the security officer and								
20 several members of the ER staff to not let the sister in and to not								
21 give out any information until the detectives arrived on scene.								
22								
23 Approximately 30 minutes later, I was standing outside room 23 and								
24 noticed an ER nurse walk up to the door with an unknown female. I								
25 immediately asked who the female was and the nurse advised it was								
26 S01- sister. I told the sister that she could not be here and								
27 the she needed to wait in the lobby. I told the nurse that she will								
28 have to escort the sister away and to not give out any details. The								
29 nurse briefly walked into room 23 and came out. The nurse advised the								
30 sister that he was in a stable condition and asked her to go back								
OFFICER'S NAME Hilt, Christopher	ID NUMBER 2098	DATE 06/23/13 2247	SHIFT/DAYS OFF III T-FR	SUPERVISORS REVIEW Lera, Thea	ID NUMBER 1708	DATE 06/24/13 1626	PAGE 1	OF 2

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 to the lobby. The sister replied ;but they told me he was dead;. I

2 again asked the nurse to escort the sister out of the ER and that she

3 was not allowed to be here. The sister was then escorted away and

4 back out into the lobby.

5

6 At no time did any family members of S01- enter room 23. The ER

7 nurse was the only person that entered room 23 briefly and exited. No

8 other members of the ER staff entered room 23 while I was there.

9

10 INVESTIGATION CONTINUED:

11

12 At approximately 2242 hours, Detective Sergeant Leon from the

13 Sheriff;s Office arrived on scene and began photographing the body of

14 S01- . Sergeant Leon advised that S01 was pronounced at

15 1913 hours by and .

16

17 At approximately 2258 hours, the Medical Examiner Coroner arrived on

18 scene and took over custody of the body of S01- . The Coroner

19 proceeded to photograph the body of S01- . After they were

20 finished with their investigation, they transported the body of

21 S01 to the Coroner;s Office.

22

23 I went back into service. End of Report.

24

25 P.L.E.O.

26

27 Deputy Mitre #2160/Original Report

28 Deputy Hilt #2098/Supplemental Report.

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 INVESTIGATION:									
3									
4 Sergeant Carrasco and I conducted interviews on the following San Jose									
5 Police Officers. These statements are paraphrased. Refer to the									
6 audio and video recordings for exact details. Each officer was									
7 escorted by me and Sergeant Carrasco from the Sheriff's Office patrol									
8 squad room to the interview rooms on the 3rd floor of the									
9 Investigations Division. All the interviews were video/audio									
10 recorded by the department recording system. I also audio recorded									
11 the interviews with my department issued digital recorder. I booked									
12 a copy of the audio/video recordings into the Sheriff's Office									
13 evidence room.									
14									
15 On March 19,2013, at approximately 0054 hours, Sergeant Carrasco and I									
16 obtained the following statement from W03-Officer Plares.									
17									
18 STATEMENT OF WITNESS 03 OFFICER ADAM PLARES:									
19									
20 W03- Officer Plares stated he had spoken to legal counsel prior to									
21 this interview and had agreed to speak with us without legal									
22 representation or a department representative present.									
23 W03-Officer Adam Plares #4008 has been with San Jose Police Department									
24 for 5years 9 months. W03- Officer Plares has no other Law									
25 Enforcement experience. W03- Officer Plares was Army infantry prior									
26 to working for the San Jose Police Department.									
27									
28 W03- Officer Plares is currently assigned to METRO Team 1 (Thursday									
29 -Friday- Saturday off) day shift for the last 6 months									
30 (1000-2000hrs). W03- Officer Plares is on the 2nd day of a new shift									
OFFICER'S NAME Owens Jr., Dennis A.		ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 1	OF 16

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 change. The department just completed a department wide personnel
2 change.
3
4 W03- Officer Plares said his day started as any other day. He had a
5 good night's sleep and went for a run in the morning. He had eaten a
6 good meal and was feeling good. W03- Officer Plares started his
7 shift at 1000 hours and worked out for an hour (on duty). He hasn't
8 consumed any alcoholic beverages in over 24 hours and is not taking
9 any prescription medication.
10
11 W03- Officer Plares was driving a blue Dodge Caravan (Surveillance
12 vehicle) with V01- Barthelemy during this incident. W03- Officer
13 Plares was wearing blue jeans, gray t-shirt (plain clothes), and
14 armed with a Glock 26 (9mm). W03- Officer Plares keeps a department
15 issued raid vest that is clearly marked 'San Jose Police'. The vest
16 offers ballistic protection for W03- Officer Plares.
17
18 Prior to starting the detail, all the METRO Team 1 officers attended a
19 briefing on the detail. V02- Officer Cossey had a
20 that gave him information on a recent homicide that
21 occurred in San Jose. The stated he knew the person who
22 shot the victim in the recent homicide. The had identified
23 (later identified as Suspect 01-) and said he is
24 always stealing cars. V02- Officer Cossey suspected that S01-
25 might still have the murder weapon with him. V02- Officer Cossey
26 emphasized that S01- was a dangerous person. W03- Officer
27 Plares said it was clearly stated to the team that S01- was a
28 serious danger and to exercise extreme caution. V02- Officer Cossey
29 read out loud the unit assignments, and the units went to their
30 assigned positions. W03-Plares was assigned to be the surveillance

OFFICER'S NAME Owens Jr., Dennis A.	ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 2	OF 16
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 person in the back of the van.									
2									
3 All units were working on the San Jose Police Department radio channel									
4 10 which is a frequency restricted for the METRO detail. No									
5 dispatcher is assigned to the frequency.									
6									
7 V01- Officer Barthelemy and W03- Officer Plares parked in front of									
8 V01- Officer Barthelemy parked the van and W03-									
9 Officer Plares climbed in the back to watch the target house. V01-									
10 Officer Barthelemy exited the vehicle, threw W03- Officer Plares the									
11 keys, and walked away. W03- Officer Plares had a visual of the front									
12 area and driveway of the target house. After 2 hours of									
13 surveillance, a white Honda civic pulled into the driveway of the									
14 target house. W03- Officer Plares broadcast the plate of the Honda									
15 on the radio for other officers to hear. V04- Sgt. Archer performed									
16 a records check of the license plate and confirmed the vehicle was									
17 stolen (a violation of California vehicle code section 10851). V04-									
18 Sgt. Archer advised all units on the radio that the vehicle was									
19 stolen.									
20									
21 W03- Officer Plares was able to see two people in the Honda. The									
22 driver appeared to be a Hispanic male adult in his twenties with									
23 short hair who was later identified as S01 . The passenger was									
24 a Hispanic male adult in his late twenties who was later identified									
25 as S02 . W03- Officer Plares could not identify the driver									
26 as the target subject because the hair did not match the intelligence									
27 he was provided in the operations plan.									
28									
29 Both of the occupants in the Honda went into the house.									
30 They were in the house for 10-15 minutes. S01- and S02-									
OFFICER'S NAME Owens Jr., Dennis A.		ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 3	OF 16

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 exited the house and entered the stolen Honda. W03- Officer Plares								
2 broadcasted all the movement out over the radio. The vehicle pulled								
3 out of the driveway and headed toward Mt. Vista Dr. V02- Officer								
4 Cossey began to follow the vehicle when it turned onto Mt. Vista Dr.								
5 W03- Officer Plares listened to the moving surveillance on the radio.								
6 He was told to stay put for the time being by V04- Sgt. Archer.								
7								
8 Once the surveillance reached the Story road area, W03- Officer								
9 Plares; radio was ;cutting out; or losing reception and could not								
10 hear the other units anymore. W03- Officer Plares broke surveillance								
11 on the house because he heard a broken transmission on the radio from								
12 W02- Officer De La Cruz. W02- Officer De La Cruz stated the driver of								
13 the Honda was positively identified as S01 and that they were								
14 in the East Hills Drive area. Since the other units were that far								
15 out, he left the target house.								
16								
17 W03- Officer Plares did not know where the other officers were. He								
18 last heard they were in the East Hills Drive area. He started								
19 driving in that direction. The radio was silent for a while. After								
20 driving around for approximately 5 minutes, he saw a ;Code 3;								
21 (driving with emergency lights and siren on) San Jose Police Patrol								
22 unit driving down Alum Rock Avenue. He followed that unit and								
23 switched to the district (San Jose Police Eastside) channel on the								
24 radio. He heard the dispatcher say ;Confirm shots fired;?								
25								
26 When W03- Officer Plares arrived on scene, he parked behind the marked								
27 San Jose Police units. There were 4-5 San Jose Police units on scene								
28 already.								
29								
30 W03- Officer Plares walked towards the scene and saw an officer								
OFFICER'S NAME Owens Jr., Dennis A.	ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 4	OF 16

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 attending to the driver, S01 , and went straight to V04- Sgt.								
2 Archer who was talking to V01- Officer Barthelemy.								
3 W03- Officer Plares heard V04- Sgt. Archer request fire/ paramedics to								
4 respond for S01- and an injured officer.								
5								
6 STATEMENT OF WITNESS 02 OFFICER DE LA CRUZ #3341:								
7								
8 On March 19,2013, at approximately 0242 hours, Sergeant. Carrasco and								
9 I began our interview with W02-Officer Yvonne De La Cruz #3341. W02-								
10 Officer De La Cruz said she has spoken to a legal representative of								
11 the San Jose Police Department and feels comfortable with speaking								
12 with us alone. W02- Officer De La Cruz has been employed by the San								
13 Jose Police Department for 17 years.								
14								
15 W02- Officer De La Cruz served in United States Army for 8 years								
16 active duty and 11 years as a reservist prior to being employed by								
17 the San Jose Police Department. W02- Officer De La Cruz has proudly								
18 retired from the United States Army.								
19								
20 W02- Officer De La Cruz is currently assigned to METRO team 1 (day								
21 shift 1000-2000hrs) and has been in METRO for 1.5 years. Today was								
22 the second day of her work week. W02- Officer De La Cruz; previous								
23 assignments include 12 years patrol, 3 years Gang Investigations								
24 Unit, 2 years in METRO before it was restructured and now back in								
25 METRO for the last 1.5 years.								
26								
27 W02- Officer De La Cruz lives out of county and has a rather lengthy								
28 commute. She gets up at around 0500 hours each morning as she did								
29 this morning. She works out before she gets her children up for								
30 school. She has a family (children and husband) that she takes care								
OFFICER'S NAME Owens Jr., Dennis A.	ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 5	OF 16

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
--	---

1 of before she drives to work. W02- Officer De La Cruz usually leaves
2 her house by 0700 hours. W02- Officer De La Cruz usually sleeps
3 approximately seven hours a night. W02- Officer De La Cruz has not
4 drank an alcoholic beverage since last Saturday.
5
6 W02- Officer De La Cruz's daily uniform can range from being dressed
7 in plain clothes; Battle Dress Uniform (BDU) or class C uniform which
8 is the standard patrol dress blue uniform. Because W02- Officer De
9 La Cruz is a point person, she primarily wears plain clothes as she
10 did today. A point person is a unit that can be called to do total
11 undercover work or surveillance in a moment's notice. However, W02-
12 Officer De La Cruz always has a fully marked raid vest within arm's
13 reach.
14
15 On the day of the incident, W02- Officer De La Cruz helped V02-
16 Officer Cossey do "work ups" (criminal history, photos, associates,
17 and residence information) on S01 . She is familiar with
18 S01- and his family from her days in the Gang Investigations
19 Unit. W02- Officer De La Cruz has arrested and successfully
20 prosecuted S01- brother for attempted murder, which he is
21 currently serving his prison sentence.
22
23 They completed a computer work up on everyone in the house that the
24 San Jose Police Department has had previous contact with. All the
25 subjects associated to S01- family located in the law
26 enforcement database had prior violent and resistive charges. W02-
27 Officer De La Cruz knew they also have possessed weapons because when
28 she arrested S01- brother in the past, he was armed with a
29 loaded gun.
30

OFFICER'S NAME Owens Jr., Dennis A.	ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 6	OF 16
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
--	---

1 The told them that S01- drove around in
2 stolen cars and had a gun in his possession. The
3 also said S01- had bragged to him about committing
4 the murder. Because of that information, the Homicide Unit wanted to
5 speak with S01- , but there were no current charges for his
6 arrest. W02- Officer De La Cruz conducted a records management
7 system check (RMS) of the residence they were going to watch. All of
8 the names associated to the residence had a history of violence and
9 gang offenses. While at the office, W02- Officer De La Cruz assisted
10 V02- Officer Cossey with gathering information for the Operations
11 plan. W02- Officer De La Cruz rode with V02- Officer Cossey to the
12 Elks Lodge on Martin Avenue for the briefing and from there, teamed
13 up with W01- Officer Pifferini.
14
15 W02- Officer De La Cruz teamed up with W01- Officer Pifferini and they
16 were driving a Ford Expedition gray in color. The vehicle is
17 unmarked but equipped with emergency lights and siren. It also has a
18 Mobile Dispatch Terminal. Most of the unmarked vehicles at the San
19 Jose Police Department do not have Mobile Dispatch Terminals. W02-
20 Officer De La Cruz was the passenger in the vehicle and W01-Officer
21 Pifferini drove.
22
23 At the Elks Lodge, V02- Officer Cossey conducted the operation
24 briefing. V02- Officer Cossey read from his operations plan and
25 explained who they were looking for and what everyone's jobs were.
26
27 V02- Officer Cossey stressed that S01- was an auto thief with a
28 violent past. He has numerous prior charges for resisting arrest and
29 willfully evading officers on his record. V02- Officer Cossey stated
30 S-01 may still have the murder weapon on him and to use caution

OFFICER'S NAME Owens Jr., Dennis A.	ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 7	OF 16
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 because there was as propensity for violence. He also stated if they									
2 located S01- , he will most likely be driving a stolen vehicle.									
3 That was his Modus Operandi (motive) and the intelligence from the									
4 .									
5									
6 Once located, S01- was to be followed and if officers on-viewed a									
7 crime, to detain him so Homicide Detectives could interview him.W02-									
8 Officer De La Cruz was to set up on Mt. McKinley Drive so they could									
9 be the South bound or East bound surveillance unit in anticipation of									
10 the suspect leaving the residence in that direction. They sat idle									
11 for 1.5-2 hours.									
12									
13 W02- Officer De La Cruz heard W03- Officer Plares on the radio saying									
14 that a white Honda Civic pulled in the driveway with two occupants.									
15 The passenger was positively not a match for S01- . The driver									
16 was a possible match for S01- . He had some of the tattoos, but									
17 the hair was short. S01-M main trait was his big bushy hair.									
18 W03- Officer Plares could not make a positive ID on the driver and									
19 left it as he may be a ¿possible¿ and can¿t rule him out.									
20									
21 W02- Officer De La Cruz conducted a records check of the plate of the									
22 Honda on their Mobile Dispatch Terminal, and it came back stolen.									
23 The stolen vehicle left the residence and V02- Officer Cossey began									
24 to follow the vehicle. S01- immediately started doing counter									
25 surveillance. S01- kept making unnecessary turns and lane									
26 changes. W02-Officer De La Cruz and W01- Officer Pifferini could not									
27 keep up with him. W02- Officer De La Cruz spent most of the time									
28 trying to catch up. At one point, they were the primary unit, but									
29 got ¿burned¿ meaning despite them being in plain clothes and driving									
30 an unmarked vehicle, S01 knew they were police officers.									
OFFICER'S NAME Owens Jr., Dennis A.		ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 8	OF 16

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 S01- made a u-turn in an area you shouldn't make a U-turn and									
2 W02- Officer De La Cruz got a good look at S01- . She confirmed									
3 the driver was S01- and put that information out on the radio									
4 that it was a positive identification. It seemed as time went on,									
5 S01- started doing more counter surveillance. W02- Officer De									
6 La Cruz said it was like he was toying with them and knew he was									
7 being followed.									
8									
9 W02- Officer De La Cruz lost the vehicle for a short time and heard									
10 V04- Sgt. Archer advised over the radio that he was on the target									
11 vehicle. Officer's De La Cruz and Pifferini were trying to find V04-									
12 Sgt. Archer and somehow S01 ended up pulling in behind them.									
13 She believes they were on Jerilyn Drive.									
14									
15 W02- Officer De La Cruz and W01- Pifferini were in front of S01- ,									
16 and V04- Sgt. Archer was behind him. V04- Sgt. Archer said to ¿JAM¿									
17 him over the radio. ¿Jamming¿ is a form of vehicle stop where there									
18 is a police vehicle in front and behind the suspect vehicle. They									
19 usually go bumper to bumper to keep the suspect from escaping.									
20									
21 S01- was trying to pass them, so W01- Officer Pifferini was									
22 swerving to keep S01- from passing them. As they approached the									
23 curve in the road, W01- Officer Pifferini forced S01- over to									
24 the right using the parked vehicles to block his escape and their									
25 vehicle to stop him. V04- Sgt. Archer pulled in behind S01- to									
26 keep him from backing out. W02- Officer De La Cruz's vehicle did not									
27 have their emergency lights/ siren on but V04- Sgt. Archer did.									
28									
29 As they came to a stop, W02- Officer De La Cruz exited the vehicle.									
30 S01- then began to back up striking V02- Officer Cossey's vehicle									
OFFICER'S NAME Owens Jr., Dennis A.		ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 9	OF 16

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 and turning in between his vehicle and V04- Sgt. Archer's vehicle.

2 W02- Officer De La Cruz had a view of V02- Officer Cossey and saw

3 S01- driving backwards right at him. She saw V02- Officer

4 Cossey fly backwards and thought he had been struck by S01 .

5 W02- Officer De La Cruz feared for V02- Officer Cossey's safety. She

6 also saw V01- Officer Barthelemy on the other side of S01-

7 vehicle.

8

9 S01- began to drive forward after striking a parked vehicle.

10 S01- was driving right at who she believed to be V01- Officer

11 Barthelemy. She heard one shot and S01- crashed into some

12 parked vehicles. After the shot, all the officers looked around at

13 each other to kind of check to see who was shot. Everyone seemed

14 fine. V01- Officer Barthelemy said he was the shooter letting

15 everyone know they were not being shot at. W02- Officer De La Cruz

16 and W01- Pifferini approached the passenger side of the vehicle and

17 called S02- out.

18

19 W02- Officer De La Cruz saw S01- collided with V03- Officer

20 White's vehicle, but she never saw V03- Officer White until they

21 pulled S02- from the vehicle. She saw V03- Officer White

22 slump over like he was hurt, but she knew he was not shot. She later

23 found out he hit his head in the collision.

24

25 W01- Officer Pifferini reached over and felt S01- pulse from

26 his neck and said 'He is 10-55' (police 10 code meaning S01- was

27 dead). W02- Officer De La Cruz said he looked dead. His eyes were

28 half shut and his chest was not rising. V04- Sgt. Archer still

29 called for paramedics to respond immediately for S01- and a

30 second paramedic unit for V03- Officer White.

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1									
2 S02- was covered in blood and brain matter. He was dazed but									
3 cooperative. They removed S02- from the vehicle and									
4 handcuffed him.									
5									
6 W02- Officer De La Cruz said this was the most unusual surveillance									
7 she has every done on a car thief. They were ;burned; meaning that									
8 S01- knew they were police officers early on. S01- drove									
9 obeying all the rules of the road. He was doing counter surveillance									
10 right from the beginning. It was not normal. It seemed like a game									
11 to S01 .									
12									
13 STATEMENT OF W01- OFFICER MICHAEL PIFFERINI #3697									
14									
15 On March 19, 2013, at approximately 0510 hours, Sergeant Carrasco and									
16 I obtained the following statement from W01- Officer Pifferini.									
17									
18 W01- Officer Pifferini stated he spoke with a legal representative of									
19 his Police Officers Association and the City of San Jose. W01-									
20 Officer Pifferini has been with the San Jose Police Department for 12									
21 years. He has worked various assignments. He was assigned to the									
22 Mobile Emergency Response Gear and Equipment team (MERGE) unit for 4									
23 years. MERGE is the San Jose Police "SWAT" team and that is a full									
24 time assignment. He has served in the patrol division for 5 ½ years									
25 and METRO for 1 ½ years, which is his current assignment. W01-									
26 Officer Pifferini previously worked for the Santa Cruz County									
27 Sheriff's Office as a patrol deputy for 3 years.									
28									
29 W01- Officer Pifferini is currently assigned to METRO Team 1									
30 (1000-2000hrs) Thursday -Friday- Saturdays off. W01- Officer									
OFFICER'S NAME Owens Jr., Dennis A.		ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 11	OF 16

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Pifferini was on his second work day of the week. W01- Officer

2 Pifferini had a good night's sleep (7hrs). His day started as a

3 routine day and his commute is minimal. He arrived at the office and

4 worked out with the rest of the team.

5

6 W01- Officer Pifferini wears plain clothes for his duty assignment as

7 he was dressed tonight. He has a black raid vest that is clearly

8 marked with ¿POLICE¿ within arm¿s reach. He wears a Colt 1911 pistol

9 with one extra magazine and a set of handcuffs on his hip.

10 Today, METRO had two things planned for this shift. One was a

11 controlled buy and the other was this surveillance. V04- Sgt. Archer

12 conducted the daily briefing with the team.

13

14 W01- Officer Pifferini was teamed up with W02- Officer De La Cruz and

15 they were driving a grayish Ford Explorer that is equipped with

16 police emergency lights and siren. They went to lunch at Chipotle

17 (he did not eat) and then returned back to the office to do computer

18 work ups on the people involved in the two operations that were

19 planned for the day.

20

21 W01- Officer Pifferini received information from V02- Officer Cossey

22 that they were going to be following S01- and that he was

23 possibly a shooter in a recent homicide in San Jose that involved a

24 .22 caliber handgun. The gun would only fire one shot at a time due

25 to some unknown reason. S01 is always known to be driving

26 around in stolen cars. S01 is also a member of ¿JSP¿ Julian

27 Street Posse gang. S01 was also most likely in possession of

28 the murder weapon. When they did the work up on the house,

29 (S01- residence) numerous people were associated to the

30 residence and were on probation or parole.

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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1									
2 V02- Officer Cossey laid out the objective and roles for the day.									
3 They were to locate S01 , get him away from the residence and									
4 try and make a case on him. If he commits a crime, make the arrest									
5 and get him to the Homicide Detectives. V02- Officer Cossey included									
6 a picture of S01 and his many tattoos. V02- Officer Cossey									
7 said the last information was that S01- still had long hair.									
8									
9 W01- Officer Pifferini was a part of the ¿stick¿ on the surveillance.									
10 The term ¿Stick¿ means to be in the line of surveillance vehicles.									
11 W01- Officer Pifferini explains the radio traffic he heard from W03-									
12 Officer Plares who was watching the house when the stolen vehicle									
13 pulled up. The determination was made that when the occupants of the									
14 stolen vehicle leave the house, they would follow it. When the									
15 vehicle left, V02- Officer Cossey followed the vehicle. S01-									
16 immediately started doing counter surveillance. They lost the									
17 vehicle for a short time. Other officers located the vehicle again									
18 and lost it again. W01- Officer Pifferini believes they lost the									
19 vehicle two or three times.									
20									
21 W01- Officer Pifferini re-acquired the vehicle when it was stopped.									
22 They were stopped in the turn lane at a major intersection. The									
23 intersection was an intersection you really can't make a U-turn from									
24 and S01- made a U-turn. W01- Officer Pifferini referred to that									
25 move as a ¿Crazy Ivan¿ (Crazy Ivan is a slang term for a vessel									
26 making a quick sharp turn). As the S01- turned around, he stared									
27 right at W01- Officer Pifferini and W02- De La Cruz. They thought									
28 their cover was blown and continued straight through the									
29 intersection. V02- Officer Cossey and V03- White continued to follow									
30 the stolen vehicle.									
OFFICER'S NAME Owens Jr., Dennis A.		ID NUMBER 1695	DATE 06/20/13 1256	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/25/13 946	PAGE 13	OF 16

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 W01- Officer Pifferini was really confused by the way S01- was

3 driving. He wasn't speeding and was obeying the rules of the road.

4 He had to know he was being followed. They only had three vehicles

5 that were following S01- and the SUVs looked like cop cars.

6 They ended up on the same street as S01- and passed each other

7 going in opposite directions. At that time, W02- Officer De La Cruz

8 identified the driver as S01- and put it out on the radio that

9 it was a positive match. After they passed each other, W01- Officer

10 Pifferini lost sight of S01- again.

11

12 V04- Sgt. Archer located the vehicle on Laumer Ave. and was following

13 it. W01- Officer Pifferini was not familiar with the streets of

14 unincorporated San Jose and wasn't really sure of where they were at

15 that time. He knew they were on Jerilyn Drive and heard V04- Sgt.

16 Archer say they were on a street and approaching Jerilyn Drive. As

17 they passed the next block, they could see the S01- and V04-

18 Sgt. Archer approaching. W01- Officer Pifferini was not sure of the

19 street they saw S01- on as they passed by. S01- turned in

20 behind W01- Officer Pifferini. S01- tried to pass W01- Officer

21 Pifferini and he blocked S01- W01- Officer Pifferini estimates

22 they were traveling at approximately 15-20 mph. W01- Officer

23 Pifferini began swerving to block S01- when he would try to

24 pass.

25

26 V04- Sgt. Archer said over the radio to jam him. Jamming is a

27 tactic W01- Officer Pifferini knows to block S01- and make a

28 vehicle stop using two vehicles.

29

30 S01- tried to pass W01- Officer Pifferini, and he swerved to keep

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 S01- from passing. W01- Officer Pifferini forced S01- to
2 the passenger side of his vehicle and knew V04- Sgt. Archer was
3 behind him. W01- Officer Pifferini stopped and was expecting to feel
4 an impact from behind by S01- At the same time, W01- Officer
5 Pifferini took off his seat belt in anticipation of the suspects
6 trying to run away.
7
8 W01- Officer Pifferini heard three crashes from behind him but never
9 felt an impact to his vehicle. W01- Officer Pifferini thought that
10 S01- stopped but quickly realized he was backing up. S01-
11 backed into V02- Officer Cossey's vehicle and then into a parked
12 mini-van. Because of W01- Officer Pifferini's vehicle position, he
13 did not see most of the crashes, he just heard them.
14
15 After the crashes, W01- Officer Pifferini could see S01-
16 vehicle stopped and facing east. S01- was still trying to get
17 away. S01- began moving forward and driving at V01- Officer
18 Barthelemy. The engine was revving and tires were spinning. W01-
19 Officer Pifferini could see V01- Officer Barthelemy on the passenger
20 side of S01- vehicle and saw him fire one shot. W01- Officer
21 Pifferini said when he first saw V01- Officer Barthelemy, his feet
22 were planted and he was taking the shot. The distance between V01-
23 Officer Barthelemy and the suspect vehicle was very close, one foot
24 or less.
25
26 S01- vehicle continued the length of one house from the last
27 collision and hit another parked vehicle. W01- Officer Pifferini ran
28 to the passenger side of S01- vehicle. V04- Sgt. Archer and
29 V03- Officer White ran to the driver's side. S02- had his
30 hands on the roof of the vehicle. W01- Officer Pifferini looked into

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 the vehicle and could see a possible entry/exit wound below the right
 2 ear on the right side of S01- head. He could see brain matter
 3 coming from the wound, in the car, and on S02- . W01-
 4 Officer Pifferini told S02- to undo his seat belt. He
 5 helped S02- out of the vehicle and onto the ground. W01-
 6 Officer Pifferini handcuffed S02- and another officer took
 7 him away. S02- was cooperative.
 8
 9 W01- Officer Pifferini then entered the vehicle and felt for a pulse
 10 on S01- He could not find a pulse and notified V04- Sgt.
 11 Archer that S01- was dead. W01- Officer Pifferini heard V04-
 12 Sgt. Archer request fire/paramedics over the radio as well as shots
 13 had been fired.
 14
 15 W01- Officer Pifferini said it was only a matter of a few seconds from
 16 the time his vehicle stopped to the time of the shooting.
 17 W01- Officer Pifferini walked over to the rest of the team and V04-
 18 Sgt. Archer. W01- Officer Pifferini was aware that V03- Officer White
 19 and V04- Sgt. Archer sustained minor injuries from the collisions.
 20
 21 End of Report
 22
 23 P.L.E.O
 24
 25 Sergeant Dennis Owens #1695 Supplemental Report.

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. 13-077-0391E
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"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

W02	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) DeLaCruz Yvonne	<input type="checkbox"/> STATE OF CA.	RACE Hispani	M <input type="checkbox"/> F <input checked="" 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 201 West Mission Street			CITY/STATE San Jose Ca	ZIP 95110	PHONE (408) 277-8900	DL NUMBER	STATE	BUSINESS NAME/SCHOOL NAME AND ADDRESS 201 West Mission Street	CITY/STATE San Jose Ca	ZIP 95110	PHONE (408) 277-8900	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) Plares Adam	<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 201 West Mission Street			CITY/STATE San Jose Ca	ZIP 95110	PHONE (408) 277-8900	DL NUMBER	STATE	BUSINESS NAME/SCHOOL NAME AND ADDRESS 201 West Mission Street	CITY/STATE San Jose Ca	ZIP 95110	PHONE (408) 277-8900	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												

OFFICER'S NAME Quinonez, Julian	ID NUMBER 1644	DATE 06/06/13 1448	SHIFT/DAYS OFF Days FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/17/13 1307	PAGE 2	OF 22
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 ATTACHMENTS:									
2									
3 One compact disc containing audio/ video interview with V01									
4 Barthelemy.									
5 One compact disc containing audio/ video interview with S02 .									
6									
7									
8 ASSOCIATED CASE NUMBERS:									
9									
10 San Jose Police 13-077-0639									
11 Santa Clara County Medical Examiner 13-01194									
12									
13 INVESTIGATION:									
14									
15 I am a detective with the Santa Clara County Sheriff's Office Robbery/									
16 Homicide Unit and the lead investigator for this incident.									
17									
18 On March 18, 2013, Sergeant Jason Brown and I were the on call									
19 homicide investigators. At approximately 1905 hours, I received a									
20 call from Captain Rodriguez (Investigations Division Commander). He									
21 had just received preliminary information of an officer involved									
22 shooting involving San Jose Police Officers in Sheriff's Office									
23 Jurisdiction. Captain Rodriguez said he was anticipating an									
24 investigation call out and would call me back in a few minutes.									
25									
26 I called my partner Sergeant Brown and advised him of the anticipated									
27 call out. I also notified Crime Scene Investigation Sergeant Herman									
28 Leon. A few minutes later, Captain Rodriguez called me back and									
29 provided the following briefing.									
30									
OFFICER'S NAME Quinonez, Julian		ID NUMBER 1644	DATE 06/06/13 1448	SHIFT/DAYS OFF Days FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/17/13 1307	PAGE 3	OF 22

REPORT TYPE 664/187 PC [F] Attempted Murder <-> 10851(a) VC [F] Recovered Stolen Vehicle <-> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 INITIAL BRIEFING FROM CAPTAIN RODRIGUEZ:									
2									
3 San Jose Police Metro officers were involved in a shooting on Jerilyn									
4 Drive at Athene Drive in San Jose, California (Sheriff's Office									
5 jurisdiction). The suspect, later identified as Suspect 01									
6 was driving a stolen vehicle. When the Metro officers attempted									
7 to conduct an enforcement stop on S01, he rammed several police									
8 vehicles in an attempt to flee. The officers exited their vehicles									
9 and ordered S01 to surrender and exit the vehicle. S01									
10 ignored the officer's commands and accelerated his vehicle towards									
11 one of the officers. The officer fired one shot at S01 fatally									
12 injuring him. Sheriff's Office patrol personal resumed control of the									
13 crime scene and have requested for homicide investigators to respond									
14 for the investigation.									
15									
16 INVESTIGATION CONTINUED:									
17									
18 Due to the amount of witnessing officers, I requested via Captain									
19 Rodriguez for Sergeant's Owens #1695 and Carrasco #1643 to respond to									
20 Sheriff's Office Headquarters to assist with interviews. I called									
21 Sergeants Brown and Leon and advised them of the official call out.									
22 We agreed to meet at the crime scene. I notified the on call District									
23 Attorney Investigator (Mike Sterner) of the incident.									
24									
25 At approximately 2005 hours, Sergeant Brown and I arrived on Jerilyn									
26 Drive. San Jose Police had an outer perimeter set up at the									
27 intersection of White Road and Westboro Drive. They had a second									
28 outer perimeter set up at the intersection of Westboro Drive and									
29 Athene Drive. We entered the second outer perimeter and proceed to									
30 the command post set up at the corner of Athene Drive and Jerilyn									
OFFICER'S NAME Quinonez, Julian		ID NUMBER 1644	DATE 06/06/13 1448	SHIFT/DAYS OFF Days FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/17/13 1307	PAGE 4	OF 22

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 Drive. I met with Headquarters Patrol Division Commander Captain Sung								
2 and advised him we were standing by for our captain and CSI team to								
3 arrive. At approximately 2020 hours, Captain Rodriguez arrived on								
4 scene. District Attorney Investigators Mike Sterner, Mike Gaynor, and								
5 Deputy District Attorney Ray Mendoza also arrived on scene.								
6								
7 I met with San Jose Police Homicide Lieutenant Michael Kihmm.								
8 Lieutenant Kihmm advised me he would be the liaison for his								
9 department and requested to observe our investigation.								
10								
11 At approximately 2050 hours, Crime Scene Investigators, Sergeant Leon,								
12 Detective Cortez and Detective Mah arrived on scene. The following is								
13 a synopsis of the incident briefing from San Jose Police Lieutenant								
14 Pedreira. For complete details of the briefing, see Sergeant Leon's								
15 supplemental report.								
16								
17 SYNOPSIS OF INCIDENT BRIEFING:								
18								
19 On today's date at approximately 1648 hours, San Jose Police Metro								
20 Team One was working a surveillance operation on a possible 187 PC								
21 suspect for the San Jose Police Homicide Unit.								
22								
23 San Jose Police Metro Team One consisted of the following officers.								
24								
25	Sergeant	M. Archer	#3096 (later identified as Victim 04)					
26	Officer	A. Plares	#4008 (later identified as Witness 03)					
27	Officer	M. White	#4104 (later identified as Victim 03)					
28	Officer	M. Pifferini	#3697 (later identified as Witness 01)					
29	Officer	Y. DeLaCruz	#3341 (later identified as Witness 02)					
30	Officer	N. Cossey	#4065 (later identified as Victim 02)					
OFFICER'S NAME Quinonez, Julian	ID NUMBER 1644	DATE 06/06/13 1448	SHIFT/DAYS OFF Days FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/17/13 1307	PAGE 5	OF 22

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Officer B. Barthelemy #4066 (later identified as Victim 01)

2

3

4 The homicide team received information from a

5 that S01 was responsible for a homicide on Murtha Drive in San

6 Jose on March 10, 2013.

7

8 The homicide team also informed Metro Team One that S01 is known

9 to travel in stolen vehicles. If Metro Team One was to locate S01

10 , they were instructed to arrest him if any on view charges

11 applied. If there are no on view charges, Metro Team One was to make

12 contact with S01 and ask him if he would be willing to come to

13 the office to talk with the homicide team.

14

15 At approximately 1648 hours, Metro Team One began their surveillance

16 operation at . The residence belongs to S01

17 mother. At approximately 1842 hours, Metro Team One observed

18 a white Honda Civic occupied by two Hispanic male adults. A

19 registration check revealed the vehicle was stolen. The driver of the

20 stolen vehicle resembled S01 and the passenger was later

21 identified as Suspect 02 .

22

23 Approximately 15 minutes later, the stolen vehicle with the same

24 occupants drove away from the residence. Metro Team One began a

25 moving surveillance on the vehicle. While following the vehicle, W02

26 Officer Delacruz made a positive identification on the driver as S01

27 . Metro Team One attempted to stop S01 by conducting a

28 high risk car stop on Jerilyn Drive. S01 rammed several

29 unmarked police and civilian vehicles in an attempt to flee from the

30 officers.

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1									
2 V01 Barthelemy exited his disabled vehicle and ordered S01 out									
3 of his vehicle. S01 ignored V01 Barthelemy's commands and									
4 instead accelerated his vehicle towards V01 Barthelemy. Fearing for									
5 his life and the lives of the other officers, V01 Barthelemy fired									
6 one shot at S01 resulting in a fatal injury. S01 was									
7 provided immediate medical attention and transported to San Jose									
8 Regional Hospital where he was pronounced dead at 1913 hours by									
9 and .									
10									
11 All of the involved officers were transported to Sheriff's Office									
12 Headquarters by uninvolved San Jose Police Sergeants Ideo, Pate, and									
13 Boren.									
14									
15 INVESTIGATION CONTINUED:									
16									
17 At approximately 2100 hours, Sergeant Brown and I participated in a									
18 walk-thru of the crime scene with CSI personal, investigators from									
19 the District Attorney's Office and the San Jose Police Department.									
20 For complete details of the crime scene, refer to Sergeant Leon's									
21 supplemental report.									
22									
23 At approximately 2130 hours, Sergeant Brown and I responded to									
24 Sheriff's Office Headquarters to begin witness/victim interviews.									
25 Upon arrival, we met with Sergeants Owens and Carrasco. We briefed									
26 them on the incident and assigned them the following interviews;									
27									
28 W03 Plares									
29 V03 White									
30 W01 Pifferini									
OFFICER'S NAME Quinonez, Julian		ID NUMBER 1644	DATE 06/06/13 1448	SHIFT/DAYS OFF Days FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/17/13 1307	PAGE 7	OF 22

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 W02 DeLaCruz									
2 V02 Cossey									
3									
4 For complete details of their interviews, refer to Sergeants Owens and									
5 Carrasco's supplemental reports.									
6									
7 At approximately 0028 hours, Sergeant Brown and I obtained the									
8 following statement from V01 Barthelemy.									
9									
10 The interview was audio/video recorded. The following is a synopsis of									
11 the interview. For complete details, refer to the attached recording.									
12									
13									
14 STATEMENT OF VICTIM 01 BRUCE BARTHELEMY:									
15									
16 V01 Barthelemy was accompanied by his attorney Sara Burdick. I advised									
17 V01 Barthelemy that he was not under arrest and did not have to									
18 answer any questions he did not want to. I asked V01 Barthelemy if he									
19 had enough time to talk with his attorney and if he wanted to talk to									
20 us today. V01 Barthelemy stated he did and would like to talk.									
21									
22 V01 Barthelemy is a 5 year veteran of the San Jose Police Department.									
23 He is currently assigned to the METRO Unit. The San Jose Police METRO									
24 Unit is a street/violent crimes unit focusing on high profile									
25 offenders. V01 Barthelemy has been in the unit for one week. Prior to									
26 joining the unit V01 Barthelemy worked as a patrolman in the patrol									
27 division. V01 Barthelemy attended a basic police academy and									
28 completed the San Jose Police Field Training Program. V01 Barthelemy									
29 has also attended several training classes focusing on his assignment									
30 as a METRO officer. V01 Barthelemy works a four day, 10 hour work									
OFFICER'S NAME Quinonez, Julian		ID NUMBER 1644	DATE 06/06/13 1448	SHIFT/DAYS OFF Days FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/17/13 1307	PAGE 8	OF 22

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 week. His shift starts at 1000 hours and ends at 2000 hours.

2

3 V01 Barthelemy worked his regular shift on Sunday March 17, 2013, and
4 was not involved in any major incidents. He went home and took an
5 over the counter allergy medication. He went to bed around 2230
6 hours. He did not consume any alcoholic beverages.

7

8 V01 Barthelemy woke up yesterday at 0800 hours. He started his shift
9 at 1000 hours. He did his daily workout, attended the team briefing
10 and conducted follow up investigation in the field. During his work
11 shift, V01 Barthelemy received information of a possible apprehension
12 detail. He returned to the office and received an operational
13 briefing for the Mt. Shasta Drive detail from V02 Cossey.

14

15 OPERATIONAL BRIEFING:

16

17 San Jose Homicide detectives received information from a
18 that S01 was responsible for a prior homicide (March
19 10, 2013). S01 is a validated gang member (Norteno, Julian
20 Street Posse). S01 is considered armed and dangerous. He is
21 known to run from police and to be in possession of stolen vehicles.

22

23

24 S01 was in bad standings with his gang. He was ordered to "Put
25 in work" (shoot or stab someone in the name of the gang).

26

27 METRO Team One was instructed to conduct surveillance and attempt to
28 locate and identify S01 in San Jose.

29 The homicide team instructed Team One to arrest S01 away from
30 the residence for any on view charges. If no charges apply, they were

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 instructed to make contact with S01 and ask him if he would									
2 come to the office to talk to the homicide detectives. A contingency									
3 plan was discussed if any shots were fired or if any officers were									
4 injured.									
5									
6 All team members were dressed in plain clothes with police insignia									
7 tactical vest. V04 Archer was dressed in his department issued black									
8 tactical dress uniform (TDU).									
9									
10 STATEMENT CONTINUED OF VICTIM 01 BRUCE BARTHELEMY:									
11									
12 At approximately 1645 hours, METRO Team One took fixed positions									
13 within the neighborhood of in the following									
14 unmarked (code three emergency equipped) vehicles:									
15									
16 W3 Plares in a blue Dodge Caravan (Point surveillance).									
17 V01 Barthelemy and V02 Cossey in a grey Honda Accord.									
18 V03 White in a grey Nissan Altima.									
19 V04 Archer in a white Chevrolet Tahoe.									
20 W01 Pifferini and W02 DeLaCruz in a dark colored Ford Expedition									
21									
22 V01 Barthelemy and V02 Cossey took a fixed position at the north									
23 intersection of Mt. Shasta Drive and Mt. Vista Drive. They were both									
24 wearing plain clothes with no police insignia. Approximately one hour									
25 later, W04 Plares advised via radio that a white Honda Civic with two									
26 male occupants (later identified as S01 and S02									
27 pulled into the drive way of . At that time W04									
28 Plares was only able to give a possible identification on the driver									
29 as S01 . A registration check on the white Honda Civic confirmed									
30 it was a stolen vehicle.									
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1								
2 Approximately 20 minutes later, S01 and S02 exited the								
3 residence and returned to the stolen Honda. They pulled out of the								
4 drive way and proceeded Northbound on Mt. Shasta Drive. V01								
5 Barthelemy and V02 Cossey put on their police tactical vest in								
6 preparation for possible suspect contact. S01 made a right turn								
7 on Mt. Vista Drive and drove past V01 Barthelemy and V02 Cossey. V01								
8 Barthelemy, V02 Cossey, and two other team members followed S01								
9 to the intersection of Clayton Road and Story Road.								
10								
11 While at the intersection METRO Team One lost visual of S01 .V01								
12 Barthelemy and V02 Cossey turned East bound on to Story Road to								
13 attempt to locate S01 . Other team members went west bound on								
14 Story Road and north bound on Meadow Lane. V01 Barthelemy and V02								
15 Cossey drove to the intersection of Story Road and Fleming Avenue.								
16 They did not see S01 . They made a U-turn and proceeded west								
17 bound on Story Road.								
18								
19 A member of METRO Team One advised via radio that S01 was now								
20 traveling east bound on Story Road. S01 drove past V01								
21 Barthelemy and V02 Cossey. METRO Team One followed S01 through								
22 the East Hills neighborhood. S01 was driving normal and obeying								
23 all traffic laws. While following S01 on East Hills Drive, he								
24 looked over his shoulder at V01 Barthelemy and V02 Cossey. V01								
25 Barthelemy felt that S01 knew he was being followed. S01								
26 turned onto an unknown street. V01 Barthelemy and V02 Cossey								
27 continued driving straight on East Hills Drive and allowed other team								
28 members to continue the rolling surveillance. While driving, S01								
29 made a U-turn and returned towards East Hills Drive. W02								
30 DeLaCruz and W01 Pifferini advised via radio that they had made a								
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 positive identification on S01 .

2

3 V01 Barthelemy and V02 Cossey drove towards S01 location. They

4 ended up at an intersection on Jerilyn Drive. S01 was driving

5 approximately 40 miles per hours. S01 drove in a large loop

6 through the neighborhood and ended up again on Jerilyn Drive. METRO

7 Team One prepared for an enforcement stop on S01 .

8

9 METRO Team One activated their emergency equipment (lights and siren)

10 and boxed in S01 vehicle for a high risk enforcement stop.

11 W01 Pifferini's vehicle was in front followed by V04 Archer's

12 vehicle. V03 White pulled in behind V04 Archer. V01 Barthelemy and

13 V02 Cossey's vehicle was to the rear.

14

15 S01 revved his engine and backed into V04 Archer and V03 White's

16 vehicle. S01 pulled forward and again backed into and collided

17 with V03 White and V01 Barthelemy/ V02 Cossey's vehicle. V01

18 Barthelemy and V02 Cossey exited their vehicle in an attempt to

19 continue the high risk enforcement stop. As V01 Barthelemy exited the

20 vehicle he lost sight of V02 Cossey. V01 Barthelemy was not sure if

21 V02 Cossey was pinned down or trapped in the vehicle. S01

22 vehicle continued across Jerilyn Drive and collided with a civilian

23 vehicle. V01 Barthelemy yelled verbal commands (Police, stop, get

24 your hands up) at S01 to stop. S01 revved his engine and

25 made eye contact with V01 Barthelemy. S01 then looked in the

26 direction of where V02 Cossey was last seen. S01 turned towards

27 V01 Barthelemy and accelerated his vehicle towards him. V01

28 Barthelemy feared for his life thinking S01 was going to run

29 him over. V01 Barthelemy also wasn't sure what had happened to V02

30 Cossey. Using his department issued duty weapon, V01 Barthelemy fired

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 one shot at S01 from approximately 5 to 10 feet away. After he									
2 fired the shot, V01 Barthelemy saw S01 slump over and collide									
3 with another civilian vehicle.									
4									
5 METRO Team One approached the vehicle, secured S01 and S02									
6 . They followed there contingency plan and provided medical									
7 treatment to S01 until medical technicians arrived on scene.									
8 When responding officers arrived on scene, V01 Barthelemy provided a									
9 brief statement regarding the incident to Lieutenant Pedreira. V01									
10 Barthelemy was transported to Sheriff's Office Headquarters for a									
11 pending interview. V01 Barthelemy was not injured during this									
12 incident.									
13									
14 V01 Barthelemy was carrying his department issued Glock 21 Gen 4 - 45									
15 caliber handgun with one extra magazine in his back left pocket. He									
16 had a total of 27 rounds of ammunition. Each magazine was loaded with									
17 13 rounds. He also had one round loaded in the chamber of his									
18 handgun. V01 Barthelemy also had his department issued Colt 6940 M4									
19 long rifle and his department issued duty belt inside of his vehicle.									
20 His tactical vest had the word "POLICE" over the left chest area and									
21 a cloth badge with the words "SAN JOSE POLICE" over the right chest									
22 area. He was wearing his department issued badge on his belt over the									
23 front right pocket.									
24									
25 I concluded my interview with V01 Barthelemy.									
26									
27 INVESTIGATION CONTINUED:									
28									
29 At approximately 0220 hours, Sergeant Brown and I obtained the									
30 following statement from S02 .									
OFFICER'S NAME Quinonez, Julian		ID NUMBER 1644	DATE 06/06/13 1448	SHIFT/DAYS OFF Days FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/17/13 1307	PAGE 13	OF 22

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1									
2 The following interview was audio/video recorded. The following is a									
3 synopsis of that interview. For complete details of the interview,									
4 refer to the recording.									
5									
6 STATEMENT OF SUSPECT 02 :									
7									
8 Before the start of the interview, I provided S02 a warm									
9 meal and a glass of water. I briefly explained my investigation to									
10 S02 . I told him he was in a stolen vehicle and that he was									
11 currently on active probation for vehicle theft.									
12									
13 I read S02 his Miranda Rights per my department issued									
14 Miranda card. S02 stated he understood all of his rights.									
15 Under the implied waver, I told S02 I wanted to ask him									
16 some questions related to the stolen vehicle and the incident									
17 involving S01 .									
18									
19 I asked S02 how he knew S01 . S02 said he did									
20 not know S01 real well. S02 then stated, "I don't									
21 really know him. I thought I knew him". I asked him if he knew S01									
22 name. He said he did not know his name. He would call S01									
23 , "Hey Bro" or "Hey You". S02 then stated, "I don't									
24 know him as well as you think I know him".									
25									
26 I told S02 I was going to refer to S01 as "Bro" for									
27 the purpose of this interview. S02 said he was probably									
28 not going to be much help to us because he did not have much to									
29 offer. I asked S02 if he could tell me how he and S01									
30 ("Bro") got together yesterday. S02 became a little									
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1 irritated because I was referring to S01 as "Bro". S02									
2 felt as if I was referring to them as gang members. I									
3 explained to S02 I was only referring to S01 as "Bro"									
4 because he said he calls him "Bro". I told S02 I could									
5 refer to S01 as "A" or "B". S02 stated, "How about									
6 just the guy who got his brains blown out".									
7									
8 S02 kept telling us we already knew what happened. I									
9 explained to S02 that the incident involved members of the									
10 San Jose Police Department. Sergeant Brown and I are detectives with									
11 the Santa Clara County Sheriff's Office. We were conducting the									
12 investigation because the incident occurred in Sheriff's Office									
13 jurisdiction.									
14									
15 S02 said S01 picked him up around 10 minutes before									
16 the incident. S02 is homeless and stays at different									
17 places. On this particular day S02 was staying at a									
18 friend's house on the eastside. S02 did not want to say									
19 where his friend lived. After S01 picked him up, they drove									
20 around for a little while and realized they were being followed. They									
21 drove down a street and tried to get around one of the cars that was									
22 following them. S02 said that's when S01 was shot.									
23									
24 I asked him if he remembered going to a house on Mount Shasta Drive.									
25 S02 said he did remember. He said S01 stopped by the									
26 house to see his mother. He over heard S01 ask his mother if									
27 she needed anything and told her he loved her. They had a bottle of									
28 water and left the residence.									
29									
30 When they left the house they went for a drive to talk. He said S01									
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1	was having problems and told him he was going crazy. S02								
2	became visibly upset. I told him that we were just trying								
3	to find the truth and discover what was causing all of S01								
4	problems. He said S01 just felt like he was going crazy and did								
5	not know who to trust. I told S02 S01 was his friend								
6	and that I was no longer going to refer to him as "Bro", "A", or "The								
7	guy that got his head blown off". I referred to S01 by his								
8	first name " for the remainder of the interview.								
9									
10	I again told S02 that I was only interested in finding the								
11	truth about what happened. S02 said S01 just needed a								
12	friend. S01 felt like he was going crazy and needed a friend to								
13	talk to. While they were driving in the area of East Hills Drive, S01								
14	told him he thinks they are being followed. I asked him who he								
15	thought was following them. S02 said he did not know. S02								
16	said he felt nervous. S01 drove around the block and								
17	noticed they were still being followed.								
18									
19	I asked him if he remembers driving down Jerilyn Drive. He said he								
20	did. I asked him to tell me what happened when they drove down								
21	Jerilyn Drive. He said they tried to get around an SUV when the other								
22	cars came and tried to block them in. The SUV turned in front of them								
23	and blocked the street. S01 backed up and attempted to get way.								
24	S02 said, "What the fuck! Holly shit"! I asked him if he								
25	noticed who was in the vehicles that stopped him. He said he could								
26	not see who was inside of the vehicles. I asked him if he thought								
27	they were gangsters, cops, or community members. S02 said								
28	he didn't know because he wasn't driving. He also doesn't remember								
29	hearing anything.								
30									
OFFICER'S NAME Quinonez, Julian		ID NUMBER 1644	DATE 06/06/13 1448	SHIFT/DAYS OFF Days FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/17/13 1307	PAGE 16	OF 22

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 I asked him if he could try to remember what happened after he said									
2 "What the fuck". He said S01 drove in reverse and backed into									
3 one of the vehicles. S02 said, "No, what are you doing".									
4 S01 said, "They're not going to get me". S01 collided									
5 with a couple other vehicles. S02 said, "He turned a little									
6 and went the other way. We ended up going in the opposite direction".									
7									
8									
9 I showed S02 a Google map of Jerilyn Drive. I gave him a									
10 pink marker and asked him if he could mark the map showing where									
11 their car was at when they were boxed in. S02 marked an X									
12 on the map showing their location.									
13									
14 S02 said it was hard to remember everything that happened. I									
15 asked him to tell me what happened when S01 was shot. S02									
16 said, "I was trying to understand what was happening". I									
17 asked him to tell me what happened. S02 said, "All he									
18 wanted to do is take care of his family". I asked him if he could									
19 tell me how S01 was shot. He said, "Through the window". He									
20 further stated he did not remember seeing any cops standing by there									
21 car but remembers someone saying they got hit in the leg.									
22									
23 He was taken from the vehicle by a police officer wearing a tactical									
24 vest.S02 said he had seen one on TV before. The officers									
25 were also wearing dark colored uniforms. S02 said he									
26 wasn't sure if they were police officers. He didn't know what was									
27 going on. He remembers them telling him, "Don't fuckin move! I'm									
28 gonna fuckin shoot you! I'm gonna blow your brains out too!" S02									
29 raised his hands in the air.									
30									
OFFICER'S NAME Quinonez, Julian		ID NUMBER 1644	DATE 06/06/13 1448	SHIFT/DAYS OFF Days FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/17/13 1307	PAGE 17	OF 22

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 I asked him what he thought was the reason the officer shot S01 .

2 S02 stated, "They didn't want him to get away. I don't know

3 just to stop him". I asked S02 if there was anything else

4 the officers could have done instead of shooting S01 S02

5 said he didn't know because he does not have the training

6 to deal with an incident like that. I asked him if he thought the

7 officer had a good reason to shoot S01 He said he thinks the

8 officer shot S01 because he was pissed off. I asked him if he

9 thought there was any other reason for shooting S01 . S02

10 said, "Well he shot him already, and he said he was going

11 to blow my brains out too if I moved". I asked him if he was shot. He

12 said "No, I didn't move".

13

14 I told S02 that I wasn't there when the shooting occurred

15 but he was. I asked him if S01 deserved to get shot. S02

16 said, "I don't know. A lot of people look at different

17 ways". I again told him he was in the passenger seat when S01

18 was shot. I asked did S01 deserve to get shot. He stated, "I

19 don't think anyone deserves to get shot. Anybody with a family,

20 anybody with kids, mother". I asked him did he really think the

21 officer shot S01 just because he was mad at him. S02

22 said, "I'm sure he had his reasons, but I'm not the other cop so I

23 don't know his reason. So I'm just gonna say he's pissed off. He

24 looked like he was mad but all the others looked like they were mad.

25 I must have been the only one, like what the fucks going on".

26

27 S02 has been friends with S01 for approximately the

28 past 2 years. He had not seen S01 in quite awhile. He said

29 yesterday S01 needed to talk to him. I apologized to S02

30 if I was upsetting him, but I just wanted to find out what

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1 happened. S02 said he felt the officers were over

2 reacting. I asked why S01 didn't stop when the officers boxed

3 him in. S02 said he didn't know why but felt S01 also

4 overreacted. I asked him how this incident could have been prevented.

5 He said the officers could have let them pass and stopped them down

6 the road.

7

8 I asked him if one of his family members had their car stolen and the

9 police found a guy driving it. Would he be ok if the officer just let

10 him go? S02 stated, "Yeah I also think it's not right for

11 him to say, Yeah fuck it let's stop him and blow his brains out". S02

12 also said you could look at this situation in many

13 different ways. He felt it was just too much. S02 said it

14 was only his opinion. His opinion could be wrong because he had never

15 been in that type of situation before.

16

17 Sergeant Brown asked S02 what did he and S01 talk

18 about while they were in the car. S02 said S01 told

19 him he was going crazy.

20

21 Sergeant Brown asked when was the last time he talked to S01

22 before the incident was. S02 said, "A couple of days ago".

23 Sergeant Brown told S02 he knew he was in a stolen vehicle.

24 S02 did not answer.

25

26 After a short break, Sergeant Brown and I returned to the interview

27 room. I told S02 we had received information that could

28 explain why S01 felt like he was going crazy. We knew S01

29 was a validated 'Julian Street Posse' gang member and in bad

30 standings with the gang. We knew S01 was involved in a major

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
<p>1 incident that could have possibly been a mistake. I also told S02</p> <p>2 we knew he identified himself as a "Northerner" the last</p> <p>3 time he was arrested. I told S02 to tell me what S01</p> <p>4 told him about the incident. S02 said S01 did not</p> <p>5 tell him anything.</p> <p>6</p> <p>7 We asked him when he talked to S01 a couple of days ago, was he</p> <p>8 driving a blue mini van. S02 did not answer. I told him</p> <p>9 this was not his problem. S02 stated, "What's the deal with</p> <p>10 the mini van"? I said, "You know about the mini van right"? S02</p> <p>11 stated, "I've seen it".</p> <p>12</p> <p>13 S02 felt this incident was not about a stolen car. He thinks</p> <p>14 the way everyone reacted and the fact S01 was trying to get</p> <p>15 away, S02 thinks it must be something more serious. I asked</p> <p>16 S02 to tell me what S01 told him. S02 said</p> <p>17 they talked about his brother, his kids, and that he was going crazy.</p> <p>18 I asked him, "What kind of crazy shit has he been doing"? S02</p> <p>19 said he did not know. I told him we had heard S01 was</p> <p>20 passing out 22 caliber bullets to his friends. S02 said he</p> <p>21 didn't know anything about it, and he didn't get any bullets.</p> <p>22 Sergeant Brown asked him if he saw the blue mini van a couple of days</p> <p>23 ago. S02 said he thinks he did. Sergeant Brown asked S02</p> <p>24 if he knows where the mini van is now. S02 said</p> <p>25 he did not know. Sergeant Brown asked him if S01 had a gun. S02</p> <p>26 said, "I don't know anything about a gun". S02</p> <p>27 thinks S01 would have a bigger gun than a 22 caliber. I asked</p> <p>28 him, "Why"? He said S01 is the kind of guy who wants to win all</p> <p>29 the time. A 22 caliber would not be good enough for a person who</p> <p>30 likes to win all the time.</p>									
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1

2 I told S02 the reason why S01 was going crazy, was

3 because he screwed up last Sunday. S02 asked what S01

4 did. I asked what he thought was the reason the San Jose Police

5 officers were watching him today. S02 said he did not know

6 what S01 did. I again asked him what he thought S01 did.

7 He said, "Robbed a bank or something"? I told him S01 shot

8 someone. S02 said he did not know S01 had shot

9 anyone.

10

11 S02 became upset saying S01 never told him about a

12 shooting. He felt we were trying to make him say he did know. I

13 apologized to S02 if I sounded that way. I told him we only

14 want to find the truth. I told him to tell me everything they talked

15 about in the car. S02 said they just talked about family

16 and car rims. He said they did not talk about a shooting.

17

18 Before concluding the interview, I asked S02 if he knew what

19 a polygraph test was. He said he did. I asked him if I could set one

20 up, would he be willing to answer all the questions I asked him. S02

21 said he would not. I asked him hypothetically if he did

22 take a polygraph, what he thinks the results would be. S02

23 said it would show he is nervous, and it would look like he was

24 lying.

25

26 I told S02 he was under arrest for being in a stolen

27 vehicle, possession of burglary tools, and a probation violation. S02

28 was transported to the main jail for booking.

29

30 **ADDITIONAL INFORMATION:**

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1

2 The report is being submitted to the District Attorney's Office for

3 review.

4

5 On May 24, 2013, I received a telephone call from San Jose Police

6 Homicide Detective Jamie Jimenez. Detective Jimenez advised me they

7 had made another arrest on the Murtha Drive homicide. Through their

8 investigation, they determined S01 is their prime suspect in

9 the homicide.

10

11 On June 12, 2013, San Jose Police made a second arrest of a 14 year

12 old male in association to the Murtha Drive homicide.

13

14

15 P.L.E.O

16

17 Sergeant J. Quinonez #1644 Supplemental report.

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1 Attachment:								
2 One DVD with both audio only and audio/video interview of								
3 V02-Cossey.								
4 One DVD with both audio only and audio/video interview of V03-Whitie.								
5 One DVD with both audio only and audio/video interview of								
6 W03-Plares.								
7 One DVD with both audio only and audio/video interview of								
8 W01-Pifferini.								
9 One DVD with both audio only and audio/video interview of								
10 W02-DeLaCruz.								
11								
12 Investigation:								
13 I am a detective sergeant assigned to the Investigations Division of								
14 the Santa Clara County Sheriff's Office. On 3/18/13, at approximately								
15 1930 hours, I received a telephone call from Captain Dan Rodriguez								
16 (Investigations Division Commander), who asked me to assist with this								
17 investigation. Specifically, I was asked to assist by interviewing								
18 San Jose Police Officers who were involved with this OIS (Officer								
19 Involved Shooting) incident.								
20								
21 Captain Rodriguez told me Sergeant Owens would be my partner for the								
22 duration of these interviews which were to be done at Sheriff's								
23 Headquarters, Investigations Division, interview rooms. Captain								
24 Rodriguez told me to meet Sergeant Owens at Sheriff Headquarters and								
25 wait for lead investigators Sergeants J. Quinonez and J. Brown to								
26 arrive so they could brief us prior to interviewing any SJPD								
27 officers.								
28								
29 At approximately 2130 hours, Sergeant Owens and I met with Sergeants								
30 Quinonez and Brown, who briefed us on the events of this OIS								
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1 incident. The following SJPD officers were to be interviewed one at									
2 a time:									
3									
4 V02-Cossey									
5 V03-White									
6 W01-Pifferini									
7 W02-DeLaCruz									
8 W03-Plares									
9									
10 Each one of these interviews was audio recorded (audio only) and video									
11 recorded (video/audio). Refer to Sergeant Owen's supplemental									
12 reports for statements of SJPD officers W01-Pifferini, W02-DeLaCruz,									
13 and W03-Plares.									
14									
15 On 03/19/13, at approximately 0113 hours, we interviewed V02-Cossey.									
16 The following statement is a synopsis of the interview. For complete									
17 details, refer to attached recording.									
18									
19 Statement of V02-Cossey:									
20 After a brief introduction, we told V02-Cossey our intention of									
21 getting a statement from him regarding the OIS incident. Before I									
22 asked him any questions, I asked V02-Cossey if he had an opportunity									
23 to speak with his attorney. V02-Cossey said, "Yes." I asked									
24 V02-Cossey if he was comfortable giving a statement without his									
25 attorney present. V02-Cossey said, "Yes."									
26									
27 V02-Cossey said he's been employed with San Jose Police Department for									
28 approximately six years. He has no prior law enforcement experience.									
29 His current assignment is working on METRO Team One. He has been in									
30 this assignment for approximately seven months. Prior to working in									
OFFICER'S NAME Carrasco, Marcus A.		ID NUMBER 1643	DATE 05/29/13 1445	SHIFT/DAYS OFF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/10/13 758	PAGE 2	OF 19

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<p>1 the METRO unit, V02-Cossey said he was assigned to the patrol</p> <p>2 division. V02-Cossey said his current work schedule is Sunday,</p> <p>3 Monday, Tuesday, and Wednesday. His scheduled shift hours are 10 am</p> <p>4 till 8 pm. His normal days off are Thursday, Friday, and Saturdays.</p> <p>5</p> <p>6</p> <p>7 V02-Cossey said he worked his normal shift on Sunday 3/17/13 and ended</p> <p>8 his shift at 8 pm. He commuted home (25-30 minutes) away, and had</p> <p>9 dinner at approximately 9 pm. V02-Cossey said he does not take any</p> <p>10 prescription medication nor did he consume any alcohol prior to</p> <p>11 bedtime. V02-Cossey said he went to bed at approximately 11 pm.</p> <p>12</p> <p>13 V02-Cossey said he woke up Monday 3/18/13 at approximately 8 am and</p> <p>14 had a small breakfast (English muffin and a cup of coffee). He went</p> <p>15 to work and started his shift at 10 am. The first part of the shift</p> <p>16 is doing a workout in the gym (with his team) and then attending a</p> <p>17 team briefing by V04-Sergeant Archer. V02-Cossey said after his</p> <p>18 workout he put on a pair of blue jeans, a black t-shirt, and a pair</p> <p>19 of tennis shoes (note: the same clothing he was wearing at the time</p> <p>20 of the interview). I asked V02-Cossey if this is his normal work</p> <p>21 attire. V02-Cossey said in this particular assignment (METRO), they</p> <p>22 wore both plain clothes and a TDU (Tactical Dress Uniform) type of</p> <p>23 uniform. He said it all depends on the particular assignment they</p> <p>24 may be working. For an enforcement type of assignment, V02-Cossey</p> <p>25 said he would wear the TDU. But on surveillance assignments, plain</p> <p>26 clothes are the norm.</p> <p>27</p> <p>28 V02-Cossey also added he wore a full duty belt with all his equipment</p> <p>29 on him including his department issued handgun. V02-Cossey said he</p> <p>30 wore a bullet-proof vest and a mesh "RAID" vest on top of that. The</p>									
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1 raid vest is black in color and has a white SJPD star on the front
 2 and on the back has large white POLICE lettering.
 3
 4 After briefing, most of the team met for lunch at "Chipotle" Mexican
 5 food. After lunch, V02-Cossey said he informed V04-Archer he wanted
 6 to go back to the office to do some more follow-up and prepare an
 7 operations plan for the afternoon detail.
 8
 9 **Lead:**
 10 V02-Cossey said a few days ago, he was contacted by one of his
 11 reliable _____ regarding the identity of a
 12 suspect identified as S01- _____, who talked about a recent
 13 homicide on Murtha Drive in the city of San Jose. The CI said
 14 S01- _____ talked about the homicide and provided specific details
 15 regarding the incident that had not been published or known to the
 16 public.
 17
 18 The CI was interviewed by V02-Cossey along with SJPD homicide
 19 investigators. The information provided by the CI corroborated what
 20 SJPD homicide investigators had already obtained. The CI also said
 21 S01- _____ showed him a handgun, which was similar in caliber to the
 22 murder weapon. The CI said S01- _____ was staying at his mother's
 23 residence located at _____, San Jose.
 24
 25 **Investigation Continued:**
 26 Having this information, V02-Cossey conferred with homicide detectives
 27 and began preparing plans for a surveillance operation.
 28
 29 On Sunday 3/17/13, V02-Cossey began gathering information on
 30 S01- _____. On Monday 3/18/13, with the assistance of W02-DeLaCruz,

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1 V02-Cossey finished gathering information on S01- criminal								
2 history background, his family's background, and persons associated								
3 at the location.								
4								
5 V02-Cossey said he completed an Operations Plan and had it approved by								
6 V04-Archer. The team was notified to meet in the field in the parking								
7 lot of The Moose Lodge, 1825 Mt. Pleasant Road, San Jose.								
8								
9 At approximately 4 pm, V02-Cossey conducted a briefing and provided								
10 METRO team members a copy of the Operations Plan. The Operations								
11 Plan contained a variety of information which included the background								
12 on the primary suspect, objectives for the surveillance, target								
13 location, potential hazards, etc. For complete details of the								
14 Operations Plan, refer to the actual document in Sergeant Quinonez's								
15 case file.								
16								
17 V02-Cossey added during his background check into S1- he								
18 discovered information that S01- liked stolen cars and guns.								
19 The CI confirmed S01- was known to "put the word out on the								
20 streets that he liked both (stolen cars/guns) and if they could get								
21 them, he liked it." S01- also had documented incidents that he								
22 would flee from police in stolen cars. V02-Cossey made sure to								
23 inform his team members of these factors.								
24								
25 Each METRO team member was given a specific assignment for the								
26 surveillance operation. They were as follows: W01-Pifferini and								
27 W02-DeLaCruz were partnered up in one vehicle (Goldish Ford								
28 Expedition); V02-Cossey and V1-Barthelemy were partnered up in one								
29 vehicle (Dark Grey Honda Accord); V04-Archer rode alone (White Chevy								
30 Tahoe); V03-White rode alone (Dark Grey Nissan Maxima); W03-Plares								
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<p>1 rode alone (Dark Blue Dodge Caravan). All vehicles used in this</p> <p>2 operation were unmarked police vehicles equipped with Code 3 lights</p> <p>3 and sirens.</p> <p>4</p> <p>5 At the conclusion of the briefing, METRO Team One took their assigned</p> <p>6 positions at the target location and surrounding areas. W03-Plares</p> <p>7 was the point person, who had a direct unobstructed view of the</p> <p>8 target location, . Approximately two hours into</p> <p>9 the surveillance, W03-Plares relayed via radio, a white Honda had</p> <p>10 pulled up to the target location and two male subjects exited and</p> <p>11 entered the residence. A license plate check on the vehicle revealed</p> <p>12 it was a stolen vehicle out of San Jose.</p> <p>13</p> <p>14 When the two males exited the residence, W03-Plares relayed one of the</p> <p>15 subjects had similar descriptors of S01- but he had difficulty</p> <p>16 making a positive identification. V02-Cossey said he was very</p> <p>17 confident the male subject described by W03-Plares was in fact</p> <p>18 S01- and conferred with V04-Archer that if the Honda left the</p> <p>19 residence, METRO Team One would follow the Honda to make a positive</p> <p>20 identification of the driver. Eventually, both male subjects exited</p> <p>21 the residence, re-entered the white stolen Honda and drove away. The</p> <p>22 subject who closely resembled S01- was the driver.</p> <p>23</p> <p>24 V02-Cossey said he was positioned at the corner of Mt. Vista and Mt.</p> <p>25 Lassen and S01- drove right past him. V02-Cossey and</p> <p>26 V1-Barthelemy began following S01- throughout the neighborhood</p> <p>27 streets along with other METRO Team One members.</p> <p>28</p> <p>29 S01- began driving around neighborhood streets in the area not</p> <p>30 making any such direct routes as to be going anywhere. He seemed to</p>								
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1 be doing counter-surveillance with the Team One members. V02-Cossey									
2 made an observation that S01- did not violate any traffic laws.									
3 He said S01- obeyed the posted speed limit, stopped at all stop									
4 signs, used his blinkers to signal, etc. After awhile, it was									
5 apparent S01- knew he was being followed by the police.									
6 However, S01- didn't take this opportunity to flee from the									
7 undercover police presence. Instead, he kept driving around the									
8 neighborhood as if he were playing the game 'follow the leader' with									
9 the police.									
10									
11 At one point, W02-DeLaCruz (having extensive knowledge with									
12 S01- family), made a positive identification via the radio									
13 that the driver of the stolen white Honda was in fact, S01 .									
14 Based on this knowledge, V04-Archer relayed to METRO Team One via									
15 radio, to make an enforcement stop of S01- vehicle.									
16									
17 V02-Cossey said just prior to the enforcement stop, the order of									
18 vehicles were as follows: (1st) W01-Pifferini/W02-DeLaCruz; (2nd)									
19 S01- (3rd) V04-Archer; (4th) V03-White; and (5th)									
20 V02-Cossey/V1-Barthelemy. All vehicles were traveling in a westbound									
21 direction on Jerilyn Drive, San Jose.									
22									
23 V02-Cossey stated as the enforcement stop began, he activated his Code									
24 3 lights & siren on his vehicle. V02-Cossey also believed the other									
25 unmarked vehicles had activated their Code 3 equipment (because he									
26 could see the strobe effects from the rear of the vehicle lights and									
27 could hear their sirens). V02-Cossey said when all the vehicles in									
28 the line came to a stop, he positioned his vehicle just behind									
29 V03-White's and offset to the right.									
30									
OFFICER'S NAME Carrasco, Marcus A.		ID NUMBER 1643	DATE 05/29/13 1445	SHIFT/DAYS OFF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 06/10/13 758	PAGE 7	OF 19

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<p>1 V02-Cossey noticed S01- began to maneuver the Honda by driving it</p> <p>2 in a backward motion avoiding V04-Archer vehicle, but striking</p> <p>3 V03-White's vehicle on the passenger side. V02-Cossey estimated</p> <p>4 S01- vehicle was traveling at 50 mph. S01- continued</p> <p>5 driving backward and struck V02-Cossey's vehicle (left front quarter</p> <p>6 panel) at about 20mph, pushing the vehicle in a backward motion</p> <p>7 approximately 10 feet.</p> <p>8</p> <p>9 After pushing V02-Cossey's vehicle out of the way, S01- continued</p> <p>10 driving backward but now in a southbound direction (perpendicular) to</p> <p>11 the street and striking a parked vehicle. S01- continued backing</p> <p>12 and pushed this parked vehicle onto the curbside.</p> <p>13</p> <p>14 V02-Cossey said S01- appeared to be stuck in-between all the</p> <p>15 vehicles he had struck. V02-Cossey thought S01- was going to</p> <p>16 flee the scene on foot, so he told V01-Barthelemy to exit the</p> <p>17 vehicle. V02-Cossey and V01-Barthelemy exited their vehicle and</p> <p>18 V02-Cossey drew his weapon, and walked to the front of S01</p> <p>19 vehicle. V02-Cossey stated, "I was literally on top of him" meaning</p> <p>20 he was a few feet from the front bumper of S01- car.</p> <p>21 V02-Cossey said he pointed his weapon toward S01- and shouted</p> <p>22 "San Jose Police, San Jose Police, turn your car off, put your hands</p> <p>23 up." V02-Cossey said he made direct eye contact with S01-</p> <p>24 V02-Cossey said S01- looked directly at him and then placed the</p> <p>25 vehicle into gear and revved his engine to drive forward. V02-Cossey</p> <p>26 feared for his life, as he was in S01- direct pathway (a few</p> <p>27 feet). V02-Cossey said S01- drove directly at him. V02-Cossey</p> <p>28 said he jumped backward and out of the way of S01- vehicle and</p> <p>29 landed on his backside.</p> <p>30</p>									
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1 V02-Cossey added that he felt "glad to be alive" because he said if he
2 didn't jump out of the way of S01- vehicle, he felt S01-
3 would have ran him over.
4
5 S01- drove forward and made a right turn to flee the area.
6 V02-Cossey said S01- drove in the direction of V1-Barthelemy,
7 but V02-Cossey said he couldn't see his partner. V02-Cossey said he
8 immediately got to his feet because he didn't know if S01- would
9 continue to drive at him. When V02-Cossey got to his feet, he was
10 facing in a westbound direction (his back was to S01-
11 vehicle).
12
13 V02-Cossey heard a single gun shot but did not see who fired the shot.
14 When V02-Cossey turned around and faced in an eastbound direction to
15 where S01- vehicle was, he saw the Honda driving in an
16 eastbound direction and crashed into a parked car on the southbound
17 curb line.
18
19 V02-Cossey ran toward S01- vehicle where he saw V03-White
20 pointing his duty weapon at S01- V02-Cossey said he saw
21 S01- was injured around his neck area, but was still moving a
22 bit, so he asked V03-White if he was "good." V03-White acknowledged
23 he had the situation under control, so V02-Cossey went around to the
24 passenger side of the vehicle where he met up with W01-Pifferini and
25 ordered the passenger out at gun point.
26
27 Once the passenger, later identified as S02- was taken out of
28 the vehicle, he was prone out on the street, and checked for weapons
29 on his person. No weapons were found on S02- person
30 except for a pair of "shaved keys" commonly used to enter vehicles

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1 and steal them. V02-Cossey observed S02- looked "out of it"									
2 and that he was covered in blood, so V02-Cossey asked if he was									
3 injured. S02- said he was not injured. S02- was									
4 handcuffed and escorted by V02-Cossey to the rear of V02-Cossey's									
5 vehicle.									
6									
7 V02-Cossey said he heard V04-Archer communicating with dispatch on his									
8 radio and requesting for medical personnel and marked SJPD units.									
9 Marked SJPD units began arriving to the scene and S02- was									
10 eventually placed in the rear of a marked SJPD patrol unit.									
11									
12 V02-Cossey stayed in close proximity to METRO Team One members along									
13 with V04-Archer. V03-White had sustained an injury to his head from									
14 his vehicle accident, but other than that, all the METRO team members									
15 were safe and accounted for.									
16									
17 I asked V02-Cossey if he could draw out the events on a piece of paper									
18 the way the enforcement stop happened and then draw the path of									
19 S01- vehicle as he attempted to flee and struck the unmarked									
20 police vehicles. Once V02-Cossey finished his drawing, I had him									
21 initial and date the document. I booked the document into evidence									
22 and provided lead investigator Sergeant Quinonez a copy of the									
23 document for his case file.									
24									
25 Investigation Continued:									
26 On 03/19/13, at approximately 0400 hours, we interviewed SJPD officer									
27 V03-White. The following statement is a synopsis of the interview.									
28 For complete details, refer to attached recording.									
29									
30 Statement of V03-White:									
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<p>1 After a brief introduction, we told V03-White our intention of getting</p> <p>2 a statement from him regarding the OIS incident. Before I asked him</p> <p>3 any questions, I asked V03-White if he had an opportunity to speak</p> <p>4 with his attorney. V03-White said, "Yes." I asked V03-White if he</p> <p>5 was comfortable giving a statement without his attorney present.</p> <p>6 V03-White said, "Yes."</p> <p>7</p> <p>8 V03-White said he's been employed with San Jose Police Department for</p> <p>9 approximately five years. He has no prior law enforcement</p> <p>10 experience. His current assignment is working on METRO Team One. He</p> <p>11 has been in this assignment for approximately one year. V03-White</p> <p>12 said his current work schedule is Sunday, Monday, Tuesday, and</p> <p>13 Wednesday. His scheduled shift hours are 10 am till 8 pm. His</p> <p>14 normal days off are Thursday, Friday, and Saturdays.</p> <p>15</p> <p>16 V03-White said he worked his normal shift on Sunday 3/17/13 and ended</p> <p>17 his shift at 8 pm. V03-White said he lives very close to work, so he</p> <p>18 got home after his shift approximately five minutes later at 8:05 pm.</p> <p>19 V03-White said he does not take any prescription medication and said</p> <p>20 he went to bed at approximately 10:30 pm.</p> <p>21</p> <p>22 I asked V03-White about his dress attire and uniforms for his</p> <p>23 assignment. V03-White said he wears different styles of uniforms</p> <p>24 depending on the assignment. For his current assignment, he normally</p> <p>25 wears plain clothes. V03-White said the clothing he currently had on</p> <p>26 (Black shirt, blue jeans, and V03-White tennis shoes) is what he wore</p> <p>27 during his entire shift. V03-White also wears eyeglasses and said he</p> <p>28 is near-sided.</p> <p>29</p> <p>30 V03-White said he had his bullet proof vest with him in his vehicle as</p>								
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<p>1 well as his RAID vest. V03-White said he wears his badge around his</p> <p>2 neck. His duty weapon is worn on his hip and secured in a</p> <p>3 plastic-type holster. V03-White does not carry a back up weapon and</p> <p>4 did not carry additional magazines on his person.</p> <p>5</p> <p>6 On 3/18/13, V03-White said he reported for work at 10 am, did a</p> <p>7 workout and got his equipment ready for the shift (gas the car,</p> <p>8 etc.). At 11 am he attended briefing, where it was mentioned</p> <p>9 V02-Cossey was working on an "ops plan." After briefing V03-White</p> <p>10 said they went to lunch as a team to "Chipotle."</p> <p>11</p> <p>12 After lunch, V03-Whitesaid he went back to the office and did some</p> <p>13 preparation work on an "ops plan" he was working on. At</p> <p>14 approximately 4 pm, the team met in the field in the parking lot of</p> <p>15 The Moose Lodge at the corner of Mt. Pleasant Road and Marten Ave,</p> <p>16 San Jose.</p> <p>17</p> <p>18 V03-White said V02-Cossey handed out and briefed everyone on the</p> <p>19 "Operations Plan." V02-Cossey provided information on the primary</p> <p>20 target as S01- being possibly involved in a recent homicide in</p> <p>21 San Jose. V02-Cossey discussed how S01- might be at a known</p> <p>22 address, which METRO would be conducting surveillance on. Other</p> <p>23 information like officer safety, threat assessments, goal of the</p> <p>24 operation, etc. were discussed at the briefing.</p> <p>25</p> <p>26 V03-White said every team member had a specific assignment for the</p> <p>27 detail. V03-White said he was riding by himself that day because his</p> <p>28 regular partner was on vacation. His assignment was to initially be</p> <p>29 the westbound car from the target location. If the primary target</p> <p>30 left the area towards his direction, V03-White would be the first car</p>								
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1 to begin following the target. V03-White's overall assignment was to
2 be a chase/follow car.
3
4 Once the operation began, V03-White said W03-Plares was positioned on
5 point and eventually put out over the radio a vehicle had arrived at
6 the target location with two male subjects in the car. The vehicle
7 came back as a stolen vehicle. W03-Plares said the driver of the
8 vehicle was a possible match on the primary target (S01- but
9 couldn't get a confirmation because the driver was wearing a hat and
10 appeared to have short or shaved head. All the intelligence and
11 known identity they had on S01- at that time was that he had a
12 lot (big) hair.
13
14 V03-White said eventually the two subjects exited the residence and
15 got back into the stolen car and drove away. V02-Cossey was the
16 first METRO unit to follow the vehicle. V03-White said each METRO
17 team member took turns following the vehicle throughout the
18 neighborhood. It was mentioned over the radio several times that it
19 appeared the driver was doing counter surveillance and had made out
20 that the police were following him.
21
22 V03-White made the observation that while the vehicle was being
23 followed, it obeyed all traffic laws.
24
25 At some point, V04-Archer gave the order to make an enforcement stop
26 on the vehicle. V03-White said some how the order of the all the
27 vehicles were as follows: W01-Pifferini/W02-DeLaCruz was the first
28 vehicle, suspect vehicle was behind them, V04-Archer was behind the
29 suspect vehicle, V03-White was behind V04-Archer's vehicle, and
30 V02-Cossey/V1-Barthelemy were behind V03-White's vehicle.

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1

2 V03-White remembered driving down Jerilyn Drive at about 25-30 mph

3 when he noticed V04-Archer's emergency equipment lights going on (the

4 ones to the rear). V03-White said he never had time to activate his

5 Code 3 lights or siren. V03-White remembered seeing the suspect

6 vehicle driving backward and colliding with his car on the passenger

7 side door. All at the same time, V03-White remembered V04-Archer's

8 car abruptly stopping, which made him slam on his brakes. V03-White

9 said he rear-ended V04-Archer's vehicle which caused his driver side

10 air bag to deploy and strike him in the face. V03-White said he also

11 hit the top of his head on the inside roof of the car.

12

13 V03-White commented that after the air-bag had deployed, it appeared

14 as though things were moving slowly. V03-White said he tried to exit

15 his vehicle but couldn't get his door open because the door was

16 locked. Eventually, he exited his vehicle and pulled out his badge

17 (which was underneath his shirt on a chain), so he could get himself

18 identified. V03-White said he was not able to retrieve his bullet

19 proof vest or his RAID vest from the backseat of the car because the

20 suspect had just hit him, so he just wanted to get out of the car.

21

22

23 Once he exited his car and pulled his badge out from underneath his

24 shirt, V03-White said he drew his handgun out. V03-White said he

25 faced eastbound on Jerilyn Drive and saw V02-Cossey's car off to his

26 left all damaged as well in the street (front bumper had been

27 removed).

28

29 V03-White said when he looked directly in front of him, he saw the

30 suspect vehicle had backed into a parked car on the curb and the

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<p>1 driver (S01-) was still attempting to maneuver the vehicle to</p> <p>2 drive eastbound on Jerilyn Drive. V03-White said he told S01-</p> <p>3 to "stop." V03-White said that's when he noticed V1-Barthelemy was in</p> <p>4 the direct pathway of the suspect's vehicle. V03-White said he heard</p> <p>5 V1-Barthelemy yell several times at the suspect vehicle to "Stop,</p> <p>6 Stop, Stop."</p> <p>7</p> <p>8 V03-White said he saw V1-Barthelemy move toward his left, plant his</p> <p>9 feet, and fire one shot in the direction of the suspect vehicle. The</p> <p>10 shot shattered the passenger side window of the suspect vehicle and</p> <p>11 the car drifted down the street and crashed into another parked car</p> <p>12 on the south side of Jerilyn. I asked V03-White from his vantage</p> <p>13 point that if V01-Barthelemy hadn't moved out of the way would have</p> <p>14 been struck by S01- car. V03-White responded, "Definitely."</p> <p>15 I asked V03-White if he felt V01-Barthelemy was in harms way.</p> <p>16 V03-White responded, "Definitely."</p> <p>17</p> <p>18 V03-White said he ran up to the suspect vehicle all the while hearing</p> <p>19 voices from his partners (V04-Archer, V02-Cossey, and W01-Pifferini).</p> <p>20 V03-White remembered opening the suspect's drivers side door with</p> <p>21 his gun in a low ready position and giving commands to the occupants</p> <p>22 inside the vehicle. V03-White said the driver did not respond, but</p> <p>23 he saw the passenger raising his arms up in the air.</p> <p>24</p> <p>25 V03-White recalled seeing a wound on the driver's neck area and blood</p> <p>26 but couldn't recall too many details. V03-White said he was focused</p> <p>27 on the driver's hands. V03-White said again the driver was not</p> <p>28 responsive to his verbal commands.</p> <p>29</p> <p>30 V03-White said the next thing he remembered was his partners telling</p>									
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<p>1 him he didn't look so good. V03-White said he sort of felt like he</p> <p>2 was seeing "stars" after just being involved in a car accident and</p> <p>3 his face getting the brunt impact of the air bag. His partners told</p> <p>4 him to have a seat on the curb next to the suspect vehicle.</p> <p>5 V03-White said at that time he was just trying to gather his</p> <p>6 thoughts.</p> <p>7</p> <p>8 V03-White said he heard V04-Archer on the radio requesting emergency</p> <p>9 personnel. V03-White said one of the first emergency personnel on</p> <p>10 scene asked him how he was feeling. V03-White said he told the fire</p> <p>11 personnel he was doing alright. The fire personnel said he was going</p> <p>12 to attend to the driver of the vehicle who had been shot and the next</p> <p>13 emergency personnel would attend to him.</p> <p>14</p> <p>15 V03-White said eventually he was transported to the Sheriff's Office</p> <p>16 to be interviewed about the incident.</p> <p>17</p> <p>18 We asked V03-White to draw out a diagram of how he remembered the</p> <p>19 events that transpired regarding the enforcement stop, leading up to</p> <p>20 and after the shooting. Once V03-White finished his drawing, I had</p> <p>21 him initial and date the document. I booked the document into</p> <p>22 evidence and provided lead investigator Sergeant Quinonez a copy of</p> <p>23 the document for his case file.</p> <p>24</p> <p>25 Investigation Continued:</p> <p>26 It should be noted W01-Pifferini and W03-Plares also provided a</p> <p>27 drawing of how they remembered the enforcement stop beginning,</p> <p>28 transpiring, and ending. Each drawing was initialed and dated by the</p> <p>29 officer. The documents were booked into evidence and a photocopy was</p> <p>30 provided to lead investigator Sergeant Quinonez for his case file.</p>								
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- 1
- 2 **End of supplemental report.**
- 3
- 4 **PLEO's :**
- 5 **Sergeant J. Quinonez - lead investigator**
- 6 **Sergeant J. Brown - Assist**
- 7 **Sergeant D. Owens - Supplemental**
- 8 **Sergeant M. Carrasco-Supplemental**

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

SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS
<div style="float: right; text-align: center;"> Office of the Sheriff Santa Clara County 55 West Younger Avenue San Jose CA 95110 (408) 808-4500 </div>	

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
1	E		1	DVD			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

Sheriff Office, 55 W. Younger Ave, San Jose 0

DESCRIPTION **One DVD with audio only & Video/Audio of V02-Cossey interview conducted on 3/19/13**

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

Sheriff Office, 55 W. Younger Ave, San Jose 0

DESCRIPTION **One DVD with audio only & Video/Audio of V03-White interview conducted on 3/19/13**

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
3	E		1	DVD			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

Sheriff Office, 55 W. Younger Ave, San Jose 0

DESCRIPTION **One DVD with audio only & Video/Audio of W03-Plares interview conducted on 3/18/13**

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 DAT	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
Carrasco, Marcus A.	1643	05/29/13 1445		Rodriguez, Daniel	1659	06/10/13 758	18	19

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
4	E		1	DVD			
SERIAL NUMBER		LOCATION COLLECTED Sheriff Office, 55 W. Younger Ave, San Jose			VALUE 0	LOC CODE	
DESCRIPTION One DVD with audio only & Video/Audio of W01-Pifferini interview conducted on 3/19/13							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
5	E		1	DVD			
SERIAL NUMBER		LOCATION COLLECTED Sheriff Office, 55 W. Younger Ave, San Jose			VALUE 0	LOC CODE	
DESCRIPTION One DVD with audio only & Video/Audio of W02-DeLaCruz interview conducted on 3/19/13							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
6	E		1	handwritten drawing			
SERIAL NUMBER		LOCATION COLLECTED Sheriff Office, 55 W. Younger Ave, San Jose			VALUE 0	LOC CODE	
DESCRIPTION One handwritten drawing provided by V02-Cossey of how enforcement stop took place							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
7	E		1	handwritten drawing			
SERIAL NUMBER		LOCATION COLLECTED Sheriff Office, 55 W. Younger Ave, San Jose			VALUE 0	LOC CODE	
DESCRIPTION One handwritten drawing provided by V03-White of how enforcement stop took place							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
8	E		1	handwritten drawing			
SERIAL NUMBER		LOCATION COLLECTED Sheriff Office, 55 W. Younger Ave, San Jose			VALUE 0	LOC CODE	
DESCRIPTION One handwritten drawing provided by W03-Plares of how enforcement stop took place							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
9	E		1	handwritten drawing			
SERIAL NUMBER		LOCATION COLLECTED Sheriff Office, 55 W. Younger Ave, San Jose			VALUE 0	LOC CODE	
DESCRIPTION One handwritten drawing provided by W01-Pifferini of how enforcement stop took place							

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **SUPPLEMENTAL:**

2

3 **On 03-18-2013 at approximately 2300 hours, I booked the following**

4 **items into the Drying Room as evidence at Sheriff's Office**

5 **Headquarters:**

6

7 **1) 2 White socks (booked separately)**

8 **2) 2 Red Converse shoes (booked separately)**

9 **3) 1 White and blue pair of basketball style shorts**

10 **4) 1 Black tank top**

11 **5) 1 Black hooded 49ers sweatshirt**

12 **6) 1 White piece of paper approximately 15 feet by 3 feet.**

13

14 **On my original supplemental report 13-077-0391E I did not mention**

15 **these items in the evidence section.**

16

17 **END OF REPORT:**

18

19 **Deputy Tolbertson 2155 Supplemental Report**

OFFICER'S NAME Tolbertson, Chris	ID NUMBER 2155	DATE 05/06/13 1103	SHIFT/DAYS OFF	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 06/20/13 819	PAGE 1	OF 3
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	13-077-0391E	<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

S02	<input type="checkbox"/> STATE OF CA.	Res: RPh: Bus:	BPh:	<p style="font-size: 24pt; font-weight: bold;">Office of the Sheriff</p> <p style="font-size: 24pt; font-weight: bold;">Santa Clara County</p> <p>55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
1	E	S02	1	Socks	n/a	n/a	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		55 West Younger Ave San Jose CA 95110			0	188296	<input type="checkbox"/>
DESCRIPTION White sock							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
2	E	S02	1	Shoe	Converse	n/a	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		55 West Younger Ave San Jose CA 95110			0	188297	<input type="checkbox"/>
DESCRIPTION Red converse shoe							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
3	E	S02	1	Basketball style shorts	n/a	n/a	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		55 West Younger Ave San Jose CA 95110			0	188298	<input type="checkbox"/>
DESCRIPTION White and blue basketball style shorts							
							BAR CODE
							Bar code

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

WHO HAS BEEN NOTIFIED ON THE FOLLOING DAT	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)#	AUTHORITY FOR DESTRUCTION	WITNESSED BY
		AND

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
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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
Tolbertson, Chris	2155	05/06/13 1103		Urena, Ricardo	1815	06/20/13 819	2	3

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
4	E	S02	1	Tank top	n/a	n/a	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		55 West Younger Ave San Jose CA 95110			0	188299	<input type="checkbox"/>
DESCRIPTION Black tank top							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
5	E	S02	1	Sweatshirt	n/a	n/a	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		55 West Younger Ave San Jose CA 95110			0	188300	<input type="checkbox"/>
DESCRIPTION Black hooded 49ers sweatshirt							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
6	E	S02	1	Paper	n/a	n/a	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		55 West Younger Ave San Jose CA 95110			0	188301	<input type="checkbox"/>
DESCRIPTION Sheet of white paper approximately 15 feet by 3 feet							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
7	E	S02	1	Sock	n/a	n/a	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		55 West Younger Avenue San Jose CA 95110			0	188302	<input type="checkbox"/>
DESCRIPTION White sock							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
8	E	S02	1	Shoe	Converse	n/a	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		55 West Younger Avenue San Jose CA 95110			0	188303	<input type="checkbox"/>
DESCRIPTION Red converse shoe							

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
--	---

1 ATTACHMENTS:

2

3 CD containing audio of interview with V4 Archer.

4 CD containing video of interview with V4 Archer.

5 Photocopy of map with vehicles drawn by V4 Archer.

6

7 SUPPLEMENTAL REPORT:

8

9 On 03/18/13, I was assigned to the Sheriff's Investigations Division
10 as an On-Call Detective with the Robbery/Homicide Unit. At
11 approximately 1905 hours, I was contacted by Investigations Captain
12 Rodriguez and advised of an officer involved shooting in the area of
13 Jerilyn Drive and Athene Drive in Unincorporated San Jose. Although
14 San Jose Police Department Officers (SJPD) were involved in the
15 incident, the incident occurred in Sheriff's Office jurisdiction and
16 would be investigated by our office. I made telephone contact with
17 Sergeant Quinonez, whom I would be conducting the investigation with,
18 and we began to respond to the scene. Prior to arriving on scene, we
19 were advised by Captain Rodriguez that one SJPD officer had
20 discharged his firearm at a subject, later identified as Suspect
21 (S1), striking him in the head. S1 had been
22 transported to San Jose Regional Medical Center (SJRMC) and
23 pronounced deceased.

24

25 At approximately 2005 hours, I met with Sergeant Quinonez in the area
26 of White Road and Westboro Drive in San Jose. Together, we drove to
27 the scene and made contact with units there. Once on scene, we met
28 with Sheriff's Sergeant Richmond, who provided us with a scene
29 description and an update of events. We also met with Investigations
30 Captain Rodriguez and waited for Crime Scene Investigators (CSI) to

OFFICER'S NAME Brown, J.	ID NUMBER 1688	DATE 04/11/13 1359	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 04/18/13 1826	PAGE 1	OF 13
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
--	---

1 arrive prior to receiving a full briefing of the incident.

2

3 At approximately 2049 hours, once CSI Sergeant Leon, Detective Cortez,

4 and Detective Mah arrived on scene, we were provided a full incident

5 briefing by SJPD personnel on scene. The briefing detailed a

6 surveillance operation San Jose METRO Team 1 was conducting earlier

7 in the day. The subject of the surveillance, S1 , had been

8 located in a stolen vehicle near Mt. Shasta Drive in San Jose. METRO

9 Team 1 members followed S1 to the area of Jerilyn Drive and

10 Athene Drive, where he rammed the stolen vehicle into unmarked SJPD

11 vehicles and attempted to run over officers trying to take him into

12 custody. V1 Barthelemy, fearing for his own safety, as well as the

13 safety of his partners, discharged his duty weapon one time, fatally

14 wounding S1 . All involved parties, including V1 Barthelemy,

15 all witness officers, and a subject who had been the passenger in S1

16 vehicle, later identified as Suspect (S2

17), had already been transported to Sheriff's Headquarters to

18 be interviewed.

19

20 After the briefing, at approximately 2100 hours, Sergeant Quinonez and

21 I participated in a walk-thru of the crime scene with CSI personnel

22 and other investigating officers. We located four unmarked SJPD

23 vehicles, one suspect vehicle, and three parked civilian vehicles,

24 all of which sustained exterior damage as a result of various

25 collisions during the incident. At the conclusion of the walk-thru,

26 CSI personnel began the evidence collection process. Sergeant

27 Quinonez and I responded to Sheriff's Headquarters in preparation for

28 interviews with the involved parties.

29

30 Once we arrived at Sheriff's Headquarters, Sergeants Owens and

OFFICER'S NAME Brown, J.	ID NUMBER 1688	DATE 04/11/13 1359	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 04/18/13 1826	PAGE 2	OF 13
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E				
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
<p>1 Carrasco were already there and prepared to assist with interviewing</p> <p>2 witness officers. We provided them with a briefing as to what had</p> <p>3 occurred. All involved officers were staging in a briefing room at</p> <p>4 headquarters. One by one, after consulting with legal</p> <p>5 representation, all officers were interviewed and provided a</p> <p>6 statement for the incident. W3 Plares, W1 Pifferini, W2 De La Cruz,</p> <p>7 V2 Cossey, and V3 White were all interviewed by Sergeants Owens and</p> <p>8 Carrasco. See their supplemental reports for further information</p> <p>9 regarding the officers; statements.</p> <p>10</p> <p>11 At approximately 0028 hours, Sergeant Quinonez and I conducted an</p> <p>12 interview with Victim Officer Barthelemy (V1 Barthelemy). At the</p> <p>13 conclusion of the interview with V1 Barthelemy, Sergeant Quinonez and</p> <p>14 I conducted an interview with S2 . See Sergeant Quinonez;</p> <p>15 supplemental report for further information on V1 Barthelemy and S2</p> <p>16 statements.</p> <p>17</p> <p>18 On 03/19/13 at approximately 0514 hours, Sergeant Quinonez and I began</p> <p>19 an interview with Sergeant M. Archer (V4 Archer) of the San Jose</p> <p>20 METRO Unit, Team 1. V4 Archer was the supervisor for the team during</p> <p>21 this operation. V4 Archer provided the following audio and video</p> <p>22 recorded statement.</p> <p>23</p> <p>24 STATEMENT OF SERGEANT M. ARCHER:</p> <p>25</p> <p>26 V4 Archer stated he has been employed by the San Jose Police</p> <p>27 Department for approximately 19 years, with approximately the</p> <p>28 previous five years as a Sergeant in the Special Operations Division.</p> <p>29 He is currently the METRO Team 1 leader and has been so for</p> <p>30 approximately two years. There are a total of eight officers</p>								
OFFICER'S NAME Brown, J.	ID NUMBER 1688	DATE 04/11/13 1359	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 04/18/13 1826	PAGE 3	OF 13

REPORT TYPE 664/187 PC [F] Attempted Murder <-> 10851(a) VC [F] Recovered Stolen Vehicle <-> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1 assigned to METRO Team 1, with seven of them participating in the</p> <p>2 events from 03/18/13. V4 Archer identified the team members who were</p> <p>3 involved in this operation as follows:</p> <p>4</p> <p>5 1. Sgt Archer</p> <p>6 2. Off Pifferini</p> <p>7 3. Off De La Cruz</p> <p>8 4. Off Plares</p> <p>9 5. Off White</p> <p>10 6. Off Cossey</p> <p>11 7. Off Barthelemy</p> <p>12</p> <p>13 METRO Team 1 works a Sunday thru Monday work week, with normal work</p> <p>14 hours being from 1000 hours to 2000 hours. A normal days objective</p> <p>15 for Team 1 includes being proactive, conducting street patrol, making</p> <p>16 arrests, gang and street violence enforcement, operations based</p> <p>17 activity, surveillance, serving Search Warrants, special events,</p> <p>18 etc.</p> <p>19</p> <p>20 V4 Archer went on to describe the events of 03/18/13. He arrived at</p> <p>21 SJPD headquarters between 0900 and 0930 hours, which he normally</p> <p>22 does. He met with METRO Team 1 for their daily workout, which</p> <p>23 concluded at approximately 1045 hours. The team was able to change</p> <p>24 and be ready for the daily briefing, which began at approximately</p> <p>25 1100 hours. They had previously been provided with a few cases to</p> <p>26 work on, one of which was the Mt. Shasta Drive ;Surveillance Based</p> <p>27 Apprehension; detail. After a few telephone calls had been completed</p> <p>28 between METRO Team personnel, Homicide Unit Case Agents, and a</p> <p>29 to METRO Team 1, an operations plan for 1510</p> <p>30 Mt. Shasta Drive was prepared by V2 Cossey.</p>									
OFFICER'S NAME Brown, J.		ID NUMBER 1688	DATE 04/11/13 1359	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 04/18/13 1826	PAGE 4	OF 13

REPORT TYPE 664/187 PC [F] Attempted Murder <-> 10851(a) VC [F] Recovered Stolen Vehicle <-> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1									
2 At approximately 1600 hours, METRO Team 1 conducted an operations									
3 briefing for the Mt. Shasta Drive detail. Intelligence for the									
4 detail provided information that S1 could possibly be									
5 associated with a previously reported homicide out of San Jose.									
6 Further intelligence on S1 stated he had previously resisted									
7 arrest for other crimes and could possibly be in possession of stolen									
8 vehicles. Homicide Unit Investigators asked METRO Team 1 if they									
9 could locate S1 and bring him to SJPD Headquarters to discuss									
10 the previous homicide case. Case Agents had hoped S1 would									
11 voluntarily come to headquarters to talk about the case, but if there									
12 were ¿On-View¿ charges, S1 was to be arrested and brought to									
13 headquarters prior to being booked into the Main Jail.									
14									
15 At the conclusion of the briefing, METRO Team 1 reviewed the									
16 Operations Plan and took up their fixed surveillance positions									
17 surrounding the Mt. Shasta address. In review of the Operations									
18 Plan, the team also covered any contingency plans, in the event S1									
19 was to resist apprehension. They talked about possibly									
20 ¿surprising¿ S1 in an effort to avoid any dangerous incidents.									
21 Part of the contingency plan included letting S1 come to a									
22 stop somewhere, if he were to be located in possession of stolen									
23 vehicle, and apprehend him after he exited the car.									
24									
25 Upon taking up their fixed positions in the neighborhood surrounding									
26 the Mt. Shasta address, METRO Team 1 members were assigned to and									
27 riding in the following vehicles:									
28									
29 1. V4 Archer in an unmarked white Chevy Tahoe									
30 2. W3 Plares in a blue Minivan (Point Surveillance Vehicle)									
OFFICER'S NAME Brown, J.		ID NUMBER 1688	DATE 04/11/13 1359	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 04/18/13 1826	PAGE 5	OF 13

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1	3. W1 Pifferini & W2 De La Cruz in a dark colored Ford Expedition								
2	4. V3 White in a grey Nissan Altima								
3	5. V2 Cossey & V1 Barthelemy in a grey Honda Accord								
4									
5	METRO Team 1 units were in position and began their fixed surveillance								
6	between 1645 and 1700 hours.								
7									
8	V4 Archer stated a vehicle came to the residence, but it was								
9	unassociated to the Operations Plan and the occupants were unknown.								
10	However, at approximately 1800 hours, a white Honda Civic drove up								
11	and parked in front of the house. W3 Plares provided the license								
12	plate information for the Honda Civic, which V4 Archer was able to								
13	check using his in car computer. From the information provided on								
14	his in car computer, V4 Archer determined the Honda Civic had								
15	previously been reported stolen out of SJPD. V4 Archer provided this								
16	information to METRO Team 1 members, via police radio.								
17									
18	There were two occupants in the vehicle, which W3 Plares provided a								
19	description of. The description of the driver, as put out by W3								
20	Plares, matched the description METRO Team 1 had been provided for S1								
21	. V4 Archer clarified this by stating the subject's height,								
22	weight, and tattoos all matched the description they were given, but								
23	the subject's hair style seemed to be different. W3 Plares also								
24	provided a description of the passenger of the Honda Civic, but he								
25	was not recognized by anyone on the team.								
26									
27	The two subjects exited the Honda Civic and went into the								
28	address. Approximately 10 minutes later, both subjects came								
29	out of the house, entered the white Honda Civic, and drove away.								
30									
OFFICER'S NAME Brown, J.		ID NUMBER 1688	DATE 04/11/13 1359	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 04/18/13 1826	PAGE 6	OF 13

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 S1 proceeded to drive westbound on Jerilyn Drive at normal

3 speeds, but then made a right turn onto a street V4 Archer did not

4 recognize (later determined to be Emerick Avenue). S1

5 continued on Emerick Avenue, until making a right turn onto Edna

6 Place and eventually out onto southbound Serrano Avenue. During this

7 series of turns, V4 Archer started to notice S1 was picking up

8 his speed down the streets and through the turns. Once reaching the

9 end of Serrano Avenue, S1 made a right turn back onto westbound

10 Jerilyn Drive.

11

12 In anticipation of S1 actions, W1 Pifferini and W2 De La Cruz

13 had positioned their vehicle on Jerilyn Drive so they could be right

14 in front of him and better control his speeds. V4 Archer stated he

15 felt S1 had now committed himself to proceeding westbound on

16 Jerilyn Drive because there are no more intersecting streets until

17 reaching the end of Jerilyn. He instructed W1 Pifferini to attempt

18 to block S1 from passing him. Seeing Jerilyn Drive is a narrow

19 street with numerous citizen vehicles parked along the side of the

20 road, V4 Archer felt his team could block S1 in near the end of

21 Jerilyn and he tried to instruct his team to conduct a high risk stop

22 on the stolen Civic.

23

24 V4 Archer tried to put out over the radio how he wanted to box in and

25 stop the S1, but he did not think the radio traffic properly

26 conveyed what he wanted to say. He later stated all officers ended

27 up maneuvering their vehicles just as he had envisioned it in his

28 head when trying to order them to stop the S1 vehicle.

29

30 As the vehicles came to the west end of Jerilyn Drive, as it curves

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 into Athene Drive, S1 made an attempt to pass W1 Pifferini's
 2 vehicle on the right hand side. W1 Pifferini was able to swerve his
 3 vehicle to the right, which caused S1 to slam on the brakes of
 4 his vehicle and stop. W1 Pifferini also came to an abrupt stop to
 5 block S1 in behind him and a parked civilian vehicle. V4
 6 Archer told us he activated his Code 3 emergency lighting and siren
 7 equipment and quickly stopped just behind W1 Pifferini, blocking in
 8 S1. V4 Archer looked at S1 vehicle and noticed it was
 9 just starting to go backward in reverse. V4 Archer put his vehicle
 10 into reverse and started to back up with S1 vehicle.
 11 However, V3 White and V2 Cossey had quickly come up from behind the
 12 stopped vehicles at the end of Jerilyn Drive. Due to V3 White's
 13 speed and V4 Archer now backing up, the two SJPD vehicles collided
 14 and came to an immediate stop.
 15
 16 I asked V4 Archer about the Code 3 lighting of his unmarked Chevy
 17 Tahoe. He stated there are flashing red and blue lights on the front
 18 of the vehicle, along with a lighting bar affixed to the passenger's
 19 side sun visor, which was pulled down and the lighting equipment was
 20 on. The light bar on the visor has a flashing blue light and one
 21 fixed red light. V4 Archer tried to clarify the situation by stating
 22 he and his units were never actually in pursuit of S1 and the
 23 stolen vehicle, but he activated his Code 3 equipment right at the
 24 time of the stop.
 25
 26 V4 Archer stated he also thought the unmarked police units behind him
 27 had their Code 3 lighting and siren equipment activated at the time
 28 of the stop, but he could not be sure which equipment was activated
 29 on which car. V4 Archer further stated, "There was no doubt in my
 30 mind that he knew we were the police."

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 V4 Archer continued by stating S1 kept backing up from his									
3 position of being boxed in by the SJPD units. With his unit now									
4 being inoperable, V4 Archer begins the process of exiting his car.									
5 As he does this, he looks over his right shoulder and through the									
6 windows of his vehicle. He is able to hear a series of four loud									
7 ¿BOOM¿ sounds, as if vehicles were colliding behind him. Although he									
8 could not actually see the vehicles hitting one another, V4 Archer									
9 could see vehicle parts flying into the air and back down to the									
10 ground.									
11									
12 V4 Archer stated he immediately began to think, ¿Officers are getting									
13 hurt, something bad¿s happening.¿									
14									
15 V4 Archer tried to see what was happening, but couldn¿t clearly see									
16 through his vehicle at what is going on outside. He exited his									
17 vehicle and began to move toward S1 and the stolen vehicle,									
18 which had backed into a vehicle parked on the south side of Jerilyn									
19 Drive and pushed it up into the front yard of a residence. V4 Archer									
20 noticed there were three METRO Team 1 Officers now surrounding the									
21 Honda Civic, with their guns drawn, yelling commands at S1 and									
22 S2 to surrender. V4 Archer said there was one METRO Team 1									
23 Officer on each side of the Civic and one Officer at the front of the									
24 car.									
25									
26 When he looked into S1 vehicle, V4 Archer could see there were									
27 two occupants inside. He described S1 as having two hands on									
28 the wheel, with a ¿determined¿ look on his face, as if ¿he¿s not									
29 going to be stopped¿ and ¿he¿s not going to jail¿.									
30									
OFFICER'S NAME Brown, J.		ID NUMBER 1688	DATE 04/11/13 1359	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 04/18/13 1826	PAGE 10	OF 13

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1 V4 Archer stated the Honda slowly pulled forward a couple of feet and</p> <p>2 he thought the incident was over because the car was disabled.</p> <p>3 However, the Honda's engine revved up and S1 quickly</p> <p>4 accelerated away from the side of the road, near the crashed civilian</p> <p>5 car.</p> <p>6</p> <p>7 S1 started to turn to the right, in a motion V4 Archer described</p> <p>8 as trying to make a U-turn to go back east (on Jerilyn), but V4</p> <p>9 Archer also described thinking to himself, the only way to do that,</p> <p>10 he's going to have to run over officers.</p> <p>11</p> <p>12 As S1 starts to make the right turn to head back down Jerilyn</p> <p>13 Drive, METRO Team 1 members are still yelling commands for him to</p> <p>14 surrender and exit the stolen vehicle. At this point, V4 Archer told</p> <p>15 me he looked directly at V1 Barthelemy and he could see it happening</p> <p>16 before me. I actually visualize that I know what's going to happen</p> <p>17 already based on the circumstances, and it happened. And he shoots</p> <p>18 to stop the driver. When I asked V4 Archer if he meant he could</p> <p>19 visualize one of his team members, or even V1 Barthelemy specifically</p> <p>20 discharging their firearm at S1, he acknowledged this to be</p> <p>21 what he meant.</p> <p>22</p> <p>23 Just after V1 Barthelemy fired the one shot from his duty weapon, the</p> <p>24 Civic decelerated and continued to a stop upon running into the curb</p> <p>25 and another parked vehicle on the south side of Jerilyn Drive.</p> <p>26</p> <p>27 V4 Archer told me he began to advance toward S1 and the stolen</p> <p>28 Civic. He approached the driver's side with one of the other METRO</p> <p>29 Team 1 Officers, while two other officers approached the passenger's</p> <p>30 side of the car. S1 did not respond to V4 Archer's commands,</p>									
OFFICER'S NAME Brown, J.		ID NUMBER 1688	DATE 04/11/13 1359	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 04/18/13 1826	PAGE 11	OF 13

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 but S2 complied with other officers and was taken into
2 custody. V4 Archer went to the driver's door to assess S1 . He
3 determined S1 was not breathing and did not appear to have a
4 pulse. V4 Archer described S1 as expired and immediately
5 notified dispatchers of the need for Code 3 paramedics and emergency
6 personnel to respond. METRO Team 1 Officers tried to help S1
7 until paramedics arrived and took over life saving measures.
8
9 Once paramedics arrived and took over care of S1 V4 Archer
10 began to control the scene and request further assistance from patrol
11 personnel. At the time, he did not know if any of his officers had
12 been hurt in the incident, but quickly checked with everyone on the
13 team to make sure they were okay. Once other supervisors arrive on
14 scene, V4 Archer briefed them on what had occurred and made sure
15 METRO Team 1 members were sequestered and taken care of from that
16 point. Once the scene was turned over to patrol personnel and other
17 responding officers, V4 Archer and his team were eventually
18 transported to Sheriff's Headquarters for interviews and
19 investigation.
20
21 Sergeant Quinonez asked V4 Archer at what point he realized he and his
22 team were in Sheriff's Office jurisdiction. V4 Archer stated he was
23 not aware of the jurisdiction at any point during the incident. It
24 was not until well after the shooting and during the time other
25 officers were arriving to secure the scene when he was notified their
26 exact location was in unincorporated San Jose. Even when looking at
27 the addresses of the residences in the area and seeing they contained
28 five digits, V4 Archer said it still did not register in his mind
29 that they had driven into Sheriff's Office jurisdiction.
30

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1 I provided V4 Archer with a photograph of a map depicting an overhead</p> <p>2 shot of the area near Jerilyn Drive and Athene Drive. I asked him,</p> <p>3 using different alphabetical symbols, to show the locations of the</p> <p>4 vehicles on Jerilyn Drive during and after the shooting incident. To</p> <p>5 the best of his recollection, V4 Archer was able to draw the</p> <p>6 locations of the different vehicles on the map. Upon completing the</p> <p>7 drawings, V4 Archer signed and dated the map. I provided this map to</p> <p>8 Sergeant Quinonez as an attachment to this supplemental report.</p> <p>9</p> <p>10 Sergeant Quinonez and I concluded our interview with V4 Archer without</p> <p>11 any further information.</p> <p>12</p> <p>13 INVESTIGATION CONTINUED:</p> <p>14</p> <p>15 On 03/19/13 at approximately 0930 hours, Sergeants Quinonez, Leon, and</p> <p>16 I attended the autopsy for S1 at the County Coroner's Office.</p> <p>17 See Sergeant Quinonez's supplemental report for further information</p> <p>18 regarding the Autopsy and Coroner's Final Report.</p> <p>19</p> <p>20 On 03/19/13 at approximately 1245 hours, I assisted CSI personnel in</p> <p>21 the area of while they searched the area for</p> <p>22 further evidence, but we were unable to locate anything further. We</p> <p>23 cleared the scene without any further information.</p> <p>24</p> <p>25 PLEOS:</p> <p>26</p> <p>27 Sergeant J Brown #1688's Supplemental Report</p>									
OFFICER'S NAME Brown, J.		ID NUMBER 1688	DATE 04/11/13 1359	SHIFT/DAYS OFF II FSS	SUPERVISORS REVIEW Urena, Ricardo	ID NUMBER 1815	DATE 04/18/13 1826	PAGE 13	OF 13

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 ASSOCIATED CASES:								
2								
3 San Jose Police Department Case #13-077-0639.								
4 Santa Clara County Medical Examiner-Coroner's Office Case #13-01194.								
5								
6 ATTACHMENTS:								
7								
8 Coroner's Office Property Receipt #21087 dated 3-18-2013.								
9 Coroner's Office Property Receipt #21087 dated 3-19-2013.								
10 CD containing photographs of evidence items 1-12.								
11 CD containing photographs of evidence items 13-17.								
12 Scene diagram.								
13								
14 INVESTIGATION:								
15								
16 On Monday 3-18-2013 at approximately 1905 hours, I was off-duty and at								
17 home when I received a call from Homicide Investigator Sergeant J.								
18 Quinonez #1644. Sergeant Quinonez advised me that an officer(s) from								
19 the San Jose Police Department (SJPD) had been involved in an								
20 Officer-Involved-Shooting (OIS) incident in Sheriff's Office								
21 jurisdiction on the east side of San Jose and a Homicide Unit and								
22 Crime Scene Investigations (CSI) Unit call-out was anticipated. I am								
23 both a Homicide Investigator and the CSI Unit supervisor. We ended								
24 our call.								
25								
26 I called CSI N. Cortez #1887 and advised him of the incident so he								
27 could prepare in anticipation of the CSI call-out.								
28								
29 At approximately 1915 hours, I received a call from Investigations								
30 Division Captain D. Rodriguez #1659 advising me of the OIS. Captain								
OFFICER'S NAME Leon, Herman	ID NUMBER 1685	DATE 03/25/13 1613	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/18/13 1800	PAGE 1	OF 20

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 Rodriguez told me that a suspect had rammed several unmarked SJPD								
2 emergency vehicles and attempted to run at least one of the SJPD								
3 officers over leading to the suspect being shot by a SJPD officer.								
4 The suspect was transported to the hospital but was not expected to								
5 survive his injuries. All of the involved SJPD officers were being								
6 transported to the Sheriff's Office pending further investigation.								
7 Captain Rodriguez requested I respond to the scene and assume my CSI								
8 duties. We ended our call.								
9								
10 At approximately 2000 hours, I arrived at the Sheriff's Office where I								
11 met with CSI Cortez. Together, we prepared to respond to the scene.								
12 We were eventually joined by CSI K. Mah #2055.								
13								
14 While preparing to respond to the scene, I received a call from								
15 Assistant Sheriff C. Neusel asking if I wanted Deputy L. Gonzalez								
16 #1826 to respond to the scene and assist with scene processing as								
17 vehicle collisions were a component of the incident. Deputy Gonzalez								
18 is a Sheriff's Office Traffic Unit investigator and LEICA ScanStation								
19 C10 3D Laser Scanner operator. I requested that Deputy Gonzalez								
20 respond to the scene and assist. Assistant Sheriff Neusel said he								
21 would notify Deputy Gonzalez.								
22								
23 At approximately 2045 hours, CSI Cortez, CSI Mah and I arrived at the								
24 scene's Command Post which was located near the intersection of								
25 Athene Drive and Jerilyn Drive in unincorporated east San Jose. The								
26 shooting scene itself was located on Jerilyn Drive between Athene								
27 Drive and Emerick Avenue.								
28								
29 I saw police barrier tape along with marked SJPD/Sheriff's Office								
30 patrol cars and uniformed officers/deputies securing the scene as								
OFFICER'S NAME Leon, Herman	ID NUMBER 1685	DATE 03/25/13 1613	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/18/13 1800	PAGE 2	OF 20

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 well as the intersections of S. White Road and Woodhaven Drive, 2 Woodhaven Drive and Athene Drive, mid-block of Athene Drive, Athene 3 Drive and Jerilyn Drive, Jerilyn Drive and Emerick Avenue. 4 5 INITIAL BRIEFING: 6 7 At approximately 2048 hours, we received a briefing from SJPD 8 Lieutenant Pedreira. Also present were Sheriff's Office Homicide 9 investigators Sergeant Quinonez and Sergeant J. Brown #1688 along 10 with various other SJPD investigators and Sheriff's Office 11 personnel. 12 13 SJPD Lieutenant Pedreira told us that SJPD officers from their Metro 14 Unit began conducting surveillance related to a homicide 15 investigation in the area of Mt. Shasta Drive in San Jose at 16 approximately 1648 hours. During the surveillance and at 17 approximately 1841 hours, SJPD officers saw a stolen vehicle being 18 driven by the suspect who was later shot, tentatively identified as 19 S01 . The suspect vehicle was also occupied by a male 20 passenger, later identified as S02 . 21 22 SJPD Metro Unit officers followed the stolen vehicle and eventually 23 ended up in the area of Jerilyn Drive and Athene Drive where they 24 attempted to stop the stolen vehicle by conducting a high-risk 25 vehicle stop. S01 refused to yield and instead used the stolen 26 vehicle to ram at least two unmarked SJPD emergency vehicles and one 27 civilian vehicle in an attempt to escape. S01 then aimed and 28 accelerated the stolen vehicle at a SJPD officer, later identified as 29 V01 Officer Barthelemy, who had disembarked his unmarked vehicle and 30 was on foot to perform the high-risk vehicle stop. At approximately								
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 1843 hours, fearing for his life and the life of the other officers,
2 V01 Officer Barthelemy fired his weapon once, striking S01
3 The suspect vehicle continued a short distance before crashing into a
4 parked civilian vehicle and coming to rest. S01 was provided
5 immediate medical aid and was transported to San Jose Regional
6 Medical Center by ambulance where he was pronounced dead at 1913
7 hours by and . S01 body was currently
8 in room #23 at Regional Medical Center.
9
10 SJPD Lieutenant Pedreira identified V01 Officer Barthelemy as the only
11 SJPD officer who fired his weapon. SJPD Lieutenant Pedreira
12 identified V02 Officer Cossey, V03 Officer White, V04 Sergeant
13 Archer, W01 Officer Pifferini, W02 Officer DeLaCruz, and W03 Officer
14 Plares as the six witnessing SJPD officers. All of the involved SJPD
15 officers were transported to the Sheriff's Office accompanied by
16 three uninvolved SJPD supervisors. The associated SJPD case number
17 is #13-077-0639.
18
19 S02, the passenger in the stolen vehicle, was uninjured and
20 also transported to the Sheriff's Office.
21
22 INVESTIGATION CONTINUED:
23
24 At approximately 2055 hours, I called Sergeant S. Fisher #1915 who was
25 on-duty and working at the Elmwood Correctional Facility and arranged
26 for him to respond to the Sheriff's Office and process the involved
27 officers to include photographing the officers and seizing items of
28 evidence.
29
30 At approximately 2120 hours, I participated in an initial viewing of

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 the scene which was led by Patrol Sergeant M. Richmond #2006. I was									
2 accompanied by several members of the investigative team. Refer to									
3 Deputy Mitre's crime scene log for details.									
4									
5 SCENE DESCRIPTION:									
6									
7 At approximately 2120 hours, it was a cold, dark evening with clear									
8 skies and moderate wind gusts.									
9									
10 The shooting scene is on the paved roadway of Jerilyn Drive between									
11 Athene Drive and Emerick Avenue. The area is illuminated by overhead									
12 street lights and additional lighting being provided by the San Jose									
13 Fire Department. It is a densely populated, residential area of									
14 unincorporated east San Jose. Jerilyn Drive is a two-lane roadway									
15 with one lane for westbound travel and the other lane for eastbound									
16 travel. At the west end of Jerilyn Drive, the roadway curves to the									
17 south and becomes Athene Drive. This is the only area of the roadway									
18 with roadway markings consisting of solid double yellow lines. There									
19 are single family residences along the north and south sides of									
20 Jerilyn Drive as well as along the east and west sides of Athene									
21 Drive. There are several uninvolved civilian vehicles parked along									
22 the curb lines. The east and west ends of the scene were secured									
23 with the use of police barrier tape and uniformed deputies/officers									
24 forming an inner perimeter.									
25									
26 I saw four unmarked SJPD emergency vehicles in somewhat of a staggered									
27 line. All four SJPD vehicles were facing westbound with vehicle									
28 number one the most west and vehicle number four the most east. Some									
29 of the vehicles were still running and some were turned off.									
30									
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 Vehicle number one was an unmarked grey SJPD Ford SUV which appeared								
2 undamaged.								
3								
4 Vehicle number two was an unmarked white SJPD Chevrolet SUV which								
5 appeared to have been rear-ended by vehicle number three which was an								
6 unmarked grey SJPD Nissan Altima sedan. Vehicle number two had rear								
7 end damage and minor rear passenger-side damage. Vehicle number								
8 three had front-end damage, passenger-side body damage, and was								
9 leaking fluids onto the roadway.								
10								
11 Vehicle number four was an unmarked grey SJPD Honda Accord sedan which								
12 was approximately 20 feet northeast of the other SJPD vehicles.								
13 Vehicle number four had major front end damage with its front bumper								
14 completely detached and laying on the roadway in the area of vehicle								
15 number three's location.								
16								
17 There was a civilian Kia Sedona minivan bearing CA plate								
18 parked along the south curb line of Jerilyn Drive in the area								
19 directly south of vehicle number four. The minivan had damage to								
20 its rear driver's side area and the rear end of the minivan appeared								
21 to have been pushed several feet further south onto the sidewalk								
22 while its front end remained on the street. Vehicle debris littered								
23 the surrounding roadway which included the suspect vehicle's driver's								
24 side view mirror.								
25								
26 I saw the suspect vehicle, a white Honda Civic sedan bearing CA plate								
27 , several feet southeast of the SJPD vehicles. The suspect								
28 vehicle was facing eastbound along the south curb line. The suspect								
29 vehicle's front end had collided with the rear end of a parked								
30 civilian Dodge Durango SUV bearing an unknown plate. The force of								
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 the collision pushed the Durango several feet forward (east) and into
2 the rear end of a parked civilian Nissan truck bearing CA plate
3 . The suspect vehicle had damage to all four of its sides,
4 its driver's side-view mirror was missing, and it was leaking fluids
5 onto the roadway. Vehicle and medical debris littered the
6 surrounding roadway.
7
8 On the roadway, several feet south of the north curb line and in the
9 area in front of , was a large field of shattered
10 glass. I later learned this glass was apparently from the suspect
11 vehicle's driver's door window.
12
13 Refer to Deputy Gonzalez' supplemental reports for more details
14 regarding the vehicle collisions.
15
16 INVESTIGATION CONTINUED:
17
18 At approximately 2135 hours, we were joined in the crime scene by
19 Deputy Gonzalez.
20
21 At approximately 2142 hours, I exited the crime scene along with the
22 other members of the investigative team. CSI Cortez and I briefed
23 prior to me leaving the scene for the Sheriff's Office.
24
25 At approximately 2200 hours, I arrived at the Sheriff's Office and met
26 with Sergeant Fisher. I updated him on the details known at the time
27 and provided him a camera.
28
29 At approximately 2225 hours, I arrived at San Jose Regional Medical
30 Center to photograph the body of S01 and collect evidence.

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Upon my arrival, I called the Santa Clara County Medical
2 Examiner-Coroner's Office and spoke with Coroner's Investigator C.
3 Ratcliffe. I briefed her and requested the Coroner's Office respond
4 to the hospital. Coroner's Investigator Ratcliffe said Coroner's
5 Investigator C. Pantoja would respond. We ended our call.
6
7 At approximately 2242 hours, I arrived outside of room #23 within
8 Regional Medical Center. The room was locked, having been done so by
9 Regional Medical Center Security, and being guarded by Deputy C.
10 Hilt. Also present were other uniformed deputies who had been
11 previously dispatched there due to reports of S01 family
12 causing a disturbance in the waiting room.
13
14 I asked Deputy Hilt to have the room unlocked so I could enter and
15 take photographs of S01 body pending the arrival of Coroner's
16 Investigator Pantoja. A Regional Medical Center security officer
17 arrived and unlocked the door.
18
19 INITIAL VIEWING OF S01 :
20
21 At approximately 2247 hours, I viewed the body of S01 for the
22 first time from the open doorway. S01 was lying face up on a
23 gurney and he appeared to be strapped to a backboard. S01
24 head hair was shaved off but he had facial hair consisting of a
25 mustache and goatee. S01 upper body was unclothed but he was
26 wearing black gloves on his hands. S01 lower body was clad
27 in underwear, blue jeans, and Nike athletic shoes and was partially
28 covered with a hospital sheet. There was a brown belt in the belt
29 loops of his jeans. There was an orange Warriors team jersey and a
30 white tank top t-shirt under S01 body. The clothing and

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 bedding was contaminated with S01 blood. Some of the blood
2 had dripped onto the floor forming a large pool of blood. Three were
3 several medical treatment related items on or about S01 body
4 as well.

5

6 INVESTIGATION CONTINUED:

7

8 I took several photographs of S01 pending the arrival of
9 Coroner's Investigator Pantoja. I did not touch or move S01
10 body or any of his belongings.

11

12 Correctional Sergeant Hollen and Correctional Deputy Osban arrived and
13 remained with Deputy Hilt while the other patrol deputies left the
14 hospital.

15

16 At approximately 2258 hours, Coroner's Investigator Pantoja arrived at
17 room #23. I briefed her on the details known at the time. Based on
18 S01 family being present in the hospital waiting room and
19 their reported previous agitated state, Coroner's Investigator
20 Pantoja decided to make the official death notification to S01
21 family prior to her conducting her death investigation. Due
22 to the family's reported previous agitated state, Correctional
23 Sergeant Hollen, Correctional Deputy Osban, and Deputy Hilt
24 accompanied Coroner's Investigator Pantoja while I remained at room
25 #23 and guarded the body of S01 .

26

27 Coroner's Investigator Pantoja notified S01 family of his
28 death. Coroner's Investigator Pantoja returned to room #23 and began
29 her death investigation. I continued with the photographing of S01
30 body, clothing and property during this process.

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1									
2 S01 had several tattoos on his body to include the areas of his									
3 neck, chest, left arm, the front of both shoulders, left wrist/hand,									
4 right wrist, and the front waistline beneath his belly button. S01									
5 had what appeared to be red, bloody stippling-type marks on his									
6 right arm in the area between his elbow and shoulder. S01 also									
7 had what appeared to be a penetrating wound to the head and a									
8 penetrating wound to the neck. At that point in time, it was									
9 uncertain if both wounds were a result of a single gunshot and if so,									
10 which was the entry wound and which was the exit wound.									
11									
12 Coroner's Investigator Pantoja removed a Coleman fixed blade knife									
13 inside a sheath from S01 left rear pants pocket; a glass									
14 smoking pipe with residue and a \$2.00 bill from S01 left									
15 front pants pocket; a Samsung cell phone, purple Bic brand disposable									
16 lighter and a black Coby brand USB car adapter from S01 right									
17 front pants pocket. Coroner's Investigator Pantoja released all of									
18 these listed items to me as evidence. I maintained custody of the									
19 collected evidence items and placed them in individual paper bags.									
20 Coroner's Investigator Pantoja left a lanyard with miscellaneous keys									
21 and items on the body of S01 as this item(s) was around S01									
22 neck. I signed Santa Clara County Medical Examiner-Coroner's									
23 Office Property Receipt #21087 indicating the described lanyard was									
24 left on S01 body and the other items were released to me. I									
25 later submitted my copy of the signed receipt as an attachment to									
26 this report.									
27									
28 Coroner's Investigator Pantoja completed her preliminary death									
29 investigation. Coroner's Investigator Pantoja placed clean paper									
30 bags over each of S01 hands and taped them in place. S01									
OFFICER'S NAME Leon, Herman		ID NUMBER 1685	DATE 03/25/13 1613	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/18/13 1800	PAGE 10	OF 20

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1	body was then placed into a body bag and sealed with								
2	Coroner's Office seal #0494650.								
3									
4	On Tuesday 3-19-2013 at approximately 0025 hours, S01 body was								
5	removed from room #23 and transported by Coroner's Office Body								
6	Removal staff member James Mones to the Coroner's Office pending an								
7	autopsy. I left the hospital shortly thereafter, securing the								
8	evidence items I collected in the locked trunk of my unmarked								
9	Sheriff's Office emergency vehicle.								
10									
11	At approximately 0040 hours, I arrived back at the initial Jerilyn								
12	Drive scene.								
13									
14	At approximately 0145 hours, I entered the scene to assist with scene								
15	processing.								
16									
17	At approximately 0244 hours, based on the progress of the scene								
18	processing, I escorted SJPD Officers Nguyen #4129, Dorn #4021 and								
19	Plares #4008 into the scene to retrieve personal belongings and								
20	issued police equipment from the unmarked SJPD vehicles and I also								
21	allowed them to drive vehicle number one, the grey Ford SUV, out of								
22	the scene.								
23									
24	I assisted CSI Cortez and CSI Mah with sealing the suspect vehicle for								
25	eventual transport to the Sheriff's Office vehicle evidence storage								
26	facility for later processing. We sealed the driver's door window,								
27	passenger's door window and the open moon roof areas with clean								
28	panels of black plastic sheeting which we taped in place. Evidence								
29	seals were also placed across all of the suspect vehicle's openings.								
30									
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 At approximately 0430 hours, a male resident of

3 came out of the residence and said he had to leave for work. Based

4 on the progress of the scene processing, I allowed the resident to

5 move his maroon Honda sedan from the residence's

6 driveway onto the street. The resident then moved his silver Honda

7 van which had been parked on the street in front

8 of the residence to its driveway. I then directed the resident out

9 of the scene eastbound on Jerilyn Drive in his Honda sedan.

10

11 At approximately 0510 hours, based on the progress of the scene

12 processing, I escorted SJPD Officers Nguyen #4129 and Dorn #4021 into

13 the scene and allowed them to drive vehicle number two, the white

14 Chevrolet SUV, out of the scene.

15

16 At approximately 0530 hours, we completed scene processing. I

17 arranged for Deputy Mitre and Deputy Munoz to tow and escort the

18 suspect vehicle from the scene to the Sheriff's Office vehicle

19 evidence storage facility. We released the scene and the remaining

20 two SJPD vehicles, vehicle number three and vehicle number four, to

21 SJPD patrol officers for them to be towed from the scene. Both of

22 these vehicles were deemed to be undriveable due to the extent of

23 damage they sustained during the collisions.

24

25 At approximately 0600 hours, I and the other CSI Unit members left the

26 scene.

27

28 At approximately 0615 hours, I arrived at the Sheriff's Office where I

29 removed the evidence items from my vehicle's locked trunk and secured

30 them in a temporary evidence storage locker within the Investigations

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<p>1 Division CSI evidence processing room. I retained the only key to</p> <p>2 the locker.</p> <p>3</p> <p>4 At approximately 0705 hours, Deputy Mitre and Deputy Munoz arrived at</p> <p>5 the Sheriff's Office vehicle evidence storage facility with the</p> <p>6 escorted suspect vehicle atop a flatbed tow truck from San Jose Tow.</p> <p>7 CSI Cortez, CSI Mah and I took custody of the suspect vehicle and</p> <p>8 secured it within the Sheriff's Office vehicle evidence storage</p> <p>9 facility. We noted that the wind turbulence during transport</p> <p>10 appeared to have caused one of the evidence seals securing the</p> <p>11 plastic sheeting on the passenger's door window area to break and the</p> <p>12 plastic sheeting which had been covering the open moon roof to</p> <p>13 partially break free and hang across the front windshield.</p> <p>14</p> <p>15 AUTOPSY:</p> <p>16</p> <p>17 At approximately 0930 hours, Sergeant Quinonez, Sergeant Brown and I</p> <p>18 arrived at the Coroner's Office for the scheduled autopsy on S01</p> <p>19 . We entered the autopsy suite where I saw the sealed body bag</p> <p>20 containing S01 body on a gurney.</p> <p>21</p> <p>22 I approached and saw the body bag had Coroner's Office seal # 0494863</p> <p>23 affixed to it. I asked Coroner's Office Autopsy Assistant M. Watson</p> <p>24 about the discrepancy and was told by him that the original body bag</p> <p>25 had ripped open at the handles during transport. As a result, the</p> <p>26 original body bag, with S01 body still inside, was placed</p> <p>27 within a second body bag which was sealed with Coroner's Office seal</p> <p>28 # 0494863. Coroner's Office Pathologist Dr. J. O'Hara and Autopsy</p> <p>29 Assistant Watson opened the sealed body bag in my presence revealing</p> <p>30 the torn original body bag which was still sealed with original</p>									
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1 Coroner's Office seal #0494650.									
2									
3 Dr. O'Hara performed the autopsy on the body of S01 . Dr. O'Hara									
4 made the following preliminary findings. S01 died as a result									
5 of a single through-and-through gunshot wound to the head. The entry									
6 wound was to the right side of S01 head above his right ear									
7 and the entry wound was to the left side of S01 neck beneath									
8 his left ear. The wound track was in a downward trajectory. Refer to									
9 the autopsy report for details.									
10									
11 I collected several items of evidence during S01 autopsy. I									
12 signed Santa Clara County Medical Examiner-Coroner's Office Property									
13 Receipt #21087 as well as a separate Autopsy Receipt documenting the									
14 evidence items I collected. I later submitted my copies of the									
15 signed receipts as attachments to this report. Refer to Evidence									
16 Section for details.									
17									
18 INVESTIGATION CONTINUED:									
19									
20 I placed the evidence items I collected at autopsy into the locked									
21 trunk of my unmarked emergency vehicle and drove to the Sheriff's									
22 Office vehicle evidence storage facility where I temporarily secured									
23 the evidence items in the evidence storage facility's drying room. I									
24 placed those items which were wet with blood on metal racks, which									
25 were covered with clean white butcher paper, in order for them to air									
26 dry. I left the dry items in their individual paper bags. All of									
27 the items were secured there pending future processing.									
28									
29 At approximately 1300 hours, Sergeant Quinonez, Sergeant Brown, CSI									
30 Cortez and I returned to the Jerilyn Drive scene to conduct another									
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<p>1 search for the bullet projectile fired from SJPD Officer Barthelemy's</p> <p>2 pistol as it was not located during our initial processing of the</p> <p>3 scene. We used a metal detector and a hand wand to assist us in the</p> <p>4 search. We centered the search on the exterior of the residence</p> <p>5 located at _____ as that appeared to be the residence</p> <p>6 which would have been the backdrop during the shooting. The search</p> <p>7 area included the two residences to the west and the two residences</p> <p>8 to the east of _____ as well as the public sidewalk and</p> <p>9 roadway areas. We were unable to locate the bullet projectile and</p> <p>10 concluded our search at approximately 1400 hours. I went off duty.</p> <p>11</p> <p>12 On Wednesday 3-20-2013 at approximately 0930 hours, I assisted CSI Mah</p> <p>13 in processing and photographing the suspect vehicle within the</p> <p>14 Sheriff's Office vehicle evidence storage facility.</p> <p>15</p> <p>16 I viewed the suspect vehicle, a white 2-door Honda Civic EX bearing CA</p> <p>17 plate _____. Both license plates were on the vehicle with the rear</p> <p>18 plate displaying February 2014 registration tabs. I saw the evidence</p> <p>19 seals were intact with the exception of the passenger's door window</p> <p>20 and moon roof as previously described.</p> <p>21</p> <p>22 The suspect vehicle had significant damage to include its front bumper</p> <p>23 partially detached and hanging down; body damage to its front end</p> <p>24 causing its hood to be bowed up; body damage to its driver's side</p> <p>25 headlight area; nearly full length body damage, scratches, paint</p> <p>26 transfers and friction marks to the passenger side; a flattened right</p> <p>27 front tire; nearly full length scratches, paint transfers and</p> <p>28 friction marks along the driver's side; body damage to its driver's</p> <p>29 side front and rear corners; body damage across nearly the full width</p> <p>30 of the rear end causing its trunk lid to be misaligned. This was in</p>								
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1 addition to its missing driver's side view mirror and its shattered									
2 driver's and passenger's side door windows.									
3									
4 I assisted CSI Mah with photographing and searching the suspect									
5 vehicle and its contents. Several items of evidence were collected									
6 and booked by CSI Mah. Among those items was a broken saw blade									
7 piece which was collected from the floor area between the driver's									
8 seat and the driver's door threshold. Based on our training and									
9 experience, we both believed the broken saw blade piece was used as a									
10 "shaved key" to start the suspect vehicle. CSI Mah placed the saw									
11 blade piece into the suspect vehicle's ignition switch and it turned.									
12 Refer to CSI Mah's report for details.									
13									
14 On Thursday 3-21-2013 at approximately 1310 hours, I went to the									
15 drying room and confirmed the items previously wet with blood were									
16 now dry. I placed all the evidence items back into their individual									
17 paper bags and took them to the CSI evidence processing room within									
18 the Investigations Division where I individually photographed each									
19 evidence item, without and with evidence placards and scales as									
20 appropriate. Upon completion, I packaged and booked them, along with									
21 a disc of corresponding photographs, into evidence (Items 1-13). I									
22 submitted a copy of the photography disc as an attachment to this									
23 report. Refer to evidence pages from my report dated 3-21-2013 for									
24 more details.									
25									
26 On Monday 3-25-2013, I removed the remaining evidence items from the									
27 temporary evidence storage locker. I individually photographed each									
28 evidence item, without and with evidence placards and scales as									
29 appropriate. Upon completion, I packaged and booked them, along with									
30 a disc of corresponding photographs, into evidence (Items 13-18). I									
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
<p>1 submitted a copy of the photography disc as an attachment to this</p> <p>2 report. Refer to evidence pages of this report for more details.</p> <p>3</p> <p>4 EVIDENCE:</p> <p>5</p> <p>6 I collected the following items of evidence at S01 autopsy:</p> <p>7 - Sealed plastic bag containing a bullet jacketing fragment collected</p> <p>8 from the entrance wound to S01 head.</p> <p>9 - Pair of black socks.</p> <p>10 - Boxer-style underwear.</p> <p>11 - Pair of black gloves.</p> <p>12 - A brown leather belt.</p> <p>13 - Two entwined black lanyards with flashlights and keys.</p> <p>14 - A white tank top t-shirt.</p> <p>15 - Blue jean pants.</p> <p>16 - Pair of Nike athletic shoes.</p> <p>17 - Warriors team tank top jersey.</p> <p>18 - Sealed envelope containing DNA blood spot card from the body of S01</p> <p>19</p> <p>20 - Sealed envelope containing pulled pubic hairs from the body of S01</p> <p>21</p> <p>22</p> <p>23 I collected the following items of evidence from S01 at Regional</p> <p>24 Medical Center:</p> <p>25 - Coleman fixed blade knife with sheath.</p> <p>26 - Glass smoking pipe with residue.</p> <p>27 - \$2.00 bill.</p> <p>28 - Samsung cell phone.</p> <p>29 - Purple Bic brand disposable lighter.</p> <p>30 - Black Coby brand USB car adapter.</p>								
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1
2 Refer to evidence pages for more details.
3
4 Note: During a later review of my evidence pages and photographs, I
5 discovered that I had inadvertently submitted two different items as
6 evidence item #13. One is a disc of photographs and the other is the
7 Coleman fixed blade knife.
8
9 INVESTIGATION CONTINUED:
10
11 On Wednesday 4-10-2013, I completed a scene diagram and submitted it
12 as an attachment to this report. I obtained the measurements used in
13 the diagram from CSI Cortez. Refer to diagram for more details.
14
15 P.L.E.O.:
16
17 Sgt. H. Leon #1685 Supplemental Report / CSI

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

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

S01	<input type="checkbox"/> STATE OF CA.	Res: RPh: Bus:	BPh:	<h2 style="margin: 0;">Office of the Sheriff</h2> <h3 style="margin: 0;">Santa Clara County</h3> <p style="text-align: center;">55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
13	E	S01	1	Knife	COLEMAN		
SERIAL NUMBER		LOCATION COLLECTED		VALUE	LOC CODE	PROCESS EVIDENCE	

DESCRIPTION COLEMAN fixed blade knife with black nylon COLEMAN sheath. 4 1/2 inch stainless steel blade with brown wooden handle. Overall length approximately 10 inches.							LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED		VALUE	LOC CODE	PROCESS EVIDENCE	
		Regional Hospital-S01 left rear pants pocket.		0	187065	<input type="checkbox"/>	

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
14	E	S01	1	Glass smoking pipe			
SERIAL NUMBER		LOCATION COLLECTED		VALUE	LOC CODE	PROCESS EVIDENCE	

DESCRIPTION Glass pipe of the type commonly used to smoke methamphetamine. Contains residue.		SERIAL NUMBER		LOCATION COLLECTED		VALUE	LOC CODE	PROCESS EVIDENCE
		Regional Hospital-S01 left front pants pocket.		2	188754	<input type="checkbox"/>		

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE NAME ADDRESS CITY	<input type="checkbox"/> FOLLOWING NAMED PERSON		
WHO HAS BEEN NOTIFIED ON THE FOLLOING DAT	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				
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				
I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS NAME ADDRESS CITY DATE				

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 13-077-0391E	<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"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
16	E	S01	1	Cell Phone	SAMSUNG	SCH-R920	BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
99000028975170				Regional Hospital-S01 pants pocket.		0		187068	<input type="checkbox"/>
DESCRIPTION Silver SAMSUNG 4G METRO PCS cell phone. (Battery removed)									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
17	E	S01	2	Lighter & USB adapter	BIC & COBY		BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
				Regional Hospital-S01 pants pocket.		0		187069	<input type="checkbox"/>
DESCRIPTION 1) Purple BIC brand disposable lighter. 2) Black COBY brand USB car adapter with two USB slots.									

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION		
18	E		1	CD			BAR CODE Bar code		
SERIAL NUMBER				LOCATION COLLECTED		VALUE		LOC CODE	PROCESS EVIDENCE
				Sheriff's Office - 55 W. Younger Ave		0		187067	<input type="checkbox"/>
DESCRIPTION Disc containing digital photographs taken by Sgt. Leon 1685 of evidence items 13-17.									

OFFICER'S NAME Leon, Herman	ID NUMBER 1685	DATE 03/25/13 1613	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/18/13 1800	PAGE 20	OF 20
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 INVESTIGATION:									
2									
3 On 03-18-13, I was assigned as a Detective in the Sexual Assault									
4 Felony Enforcement (S.A.F.E.) Task Force. I was also a member of the									
5 Sheriff's Crime Scene Investigation (CSI) unit.									
6									
7 On 03-18-13 at approximately 1915 hours, I was contacted by Detective									
8 Cortez, who is also a member of the Sheriff's Crime Scene									
9 Investigation unit. Detective Cortez told me there had been an									
10 Officer Involved Shooting (SJPD Case# 13-077-0639) between San Jose									
11 Police and subject(s) and it had occurred within Sheriff's Office									
12 jurisdiction in the area of Jerilyn Drive and Athene Drive in San									
13 Jose. Captain Rodriguez had requested the Sheriff's Crime Scene									
14 Investigation unit respond to investigate the crime scene.									
15									
16 On 03-18-13 at approximately 2025 hours, I arrived at Sheriff's Office									
17 Headquarters in San Jose and met with Detective Cortez and Detective									
18 Sergeant Leon.									
19									
20 On 03-18-13 at approximately 2030 hours, Detective Cortez and I left									
21 Sheriff's Office Headquarters in the CSI van together and drove to									
22 the area of Jerilyn Drive at Athene Drive in San Jose.									
23									
24 On 03-18-13 at approximately 2043 hours, we arrived at Jerilyn Drive.									
25 We met with Sheriff's Office Captain Rodriguez, Sheriff's Office									
26 Captain Sung, Sheriff's Office Detective Sergeant Brown, Sheriff's									
27 Office Detective Sergeant Quinonez, Sheriff's Office Sergeant									
28 Richmond and San Jose Police Lieutenant Pedreira.									
29									
30 On 03-18-13 at approximately 2100 hours, San Jose Police Lieutenant									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 1	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 Pedreira provided a briefing of the events that had occurred.								
2								
3 On 03-18-13 at approximately 2118 hours, Sergeant Richmond provided us								
4 with a walk through of the crime scene.								
5								
6 CRIME SCENE:								
7								
8 Jerilyn Drive is a east-west residential street. At the end of the								
9 west side of Jerilyn Drive, Jerilyn Drive curves south and becomes								
10 Athene Drive. At the east side of Jerilyn Drive, Evelyn Drive is								
11 perpendicular to Jerilyn Drive and continues east to the east								
12 foothills.								
13								
14 I entered the crime scene and saw a grey Chevy SUV followed by a white								
15 Chevy Tahoe, a dark grey Nissan Altima and a dark grey Honda Accord.								
16 It appeared the dark grey Nissan Altima had collided into the rear								
17 passenger side of the white Chevy Tahoe. Next to the Nissan Altima								
18 was a vehicle bumper. Approximately twenty feet northeast of the								
19 Nissan Altima was the Honda Accord. The Honda Accord was missing a								
20 front bumper.								
21								
22 On 03-18-13 at approximately 2200 hours, I took digital photographs								
23 with my department digital camera.								
24								
25 PHOTO LOG:								
26								
27 DSC_0001: Image of case number								
28								
29 DSC_0002 - DSC_0011: Images of Jerilyn Drive at Athene Drive.								
30								
OFFICER'S NAME Mah	ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 2	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 DSC_0012 - DSC_0013: Images of Grey Expedition from south towards									
2 north.									
3									
4 DSC_0014 - DSC_0016: Images of white Chevy Tahoe and dark grey Nissan									
5 Altima									
6									
7 DSC_0017 - DSC_0018: Images of dark grey Nissan Altima and dark grey									
8 Honda Accord.									
9									
10 DSC_0019: Image of white Chevy Tahoe and dark grey Nissan Altima.									
11									
12 DSC_0020 - DSC_0021: Images of dark grey Honda Accord.									
13									
14 DSC_0022: Image of Nissan Altima, Chevy Tahoe and Ford Expedition.									
15									
16 DSC_0023 - DSC_0026: Images of Honda Accord, Nissan Altima, Chevy									
17 Tahoe and Ford Expedition.									
18									
19 DSC_0027: Image of Honda Accord.									
20									
21 DSC_0028 - DSC_0037: Images of S01- white Honda Civic.									
22									
23 DSC_0038 - DSC_0042: Images of Jerilyn Drive viewed from east to									
24 west.									
25									
26 DSC_0043: Image of street sign (Jerilyn Drive at Emerick Avenue).									
27									
28 DSC_0044 - DSC_0045: Images of Jerilyn Drive viewed from east to									
29 west.									
30									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 3	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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- 1 DSC_0046: Image of 14095 Jerilyn Drive for location purposes.
- 2
- 3 DSC_0047 - DSC_0051: Images of S01- white Honda Civic
- 4 collision.
- 5
- 6 DSC_0052 - DSC_0054: Images of shattered glass on Jerilyn Drive.
- 7
- 8 DSC_0055: Image of Honda Accord.
- 9
- 10 DSC_0056: Image of Honda Accord and Nissan Altima.
- 11
- 12 DSC_0057 - DSC_0058: Images of Nissan Altima and Chevy Tahoe.
- 13
- 14 DSC_0059: Image of Honda Accord.
- 15
- 16 DSC_0060 - DSC_0067: Images of Nissan Altima and Chevy Tahoe.
- 17
- 18 DSC_0068 - DSC_0073: Images of Jerilyn Drive viewed from west to
- 19 east.
- 20
- 21 DSC_0074 - DSC_0077: Images of Athene Drive at Jerilyn Drive.
- 22
- 23 DSC_0078 - DSC_0079: Images of Jerilyn Drive viewed from west to
- 24 east.
- 25
- 26 DSC_0080 - DSC_0091: Images of exterior of Ford Expedition.
- 27
- 28 DSC_0092 - DSC_0098: Images of interior of Ford Expedition.
- 29
- 30 DSC_0099 - DSC_0113: Images of exterior of Chevy Tahoe.

OFFICER'S NAME Mah	ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 4	OF 17
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1									
2 DSC_0114 - DSC_0127: Images of interior of Chevy Tahoe.									
3									
4 DSC_0128 - DSC_0142: Images of exterior of Nissan Altima.									
5									
6 DSC_0143 - DSC_0150: Images of interior of Nissan Altima.									
7									
8 DSC_0151 - DSC_0152: Images of measurements of skid marks from Nissan									
9 Altima.									
10									
11 DSC_0153 - DSC_0157: Images of exterior of Honda Accord.									
12									
13 DSC_0158 - DSC_0162: Images of interior of Honda Accord.									
14									
15 DSC_0163 - DSC_0184: Images of black Kia Sedona.									
16									
17 DSC_0185 - DSC_0195: Images of shattered glass in front of 14075									
18 Jerilyn Drive.									
19									
20 DSC_0196 - DSC_0200: Images of evidence item #2, shell casing.									
21									
22 DSC_0201 - DSC_0231: Images of S01- white Honda Civic.									
23									
24 DSC_0232 - DSC_0243: Images of collision between S01- Honda									
25 Civic, a black Dodge Durango, and a silver Nissan Frontier.									
26									
27 DSC_0244: Image of evidence item #3, piece of denim cut from									
28 S01- jeans.									
29									
30 DSC_0245: Image of evidence item #4, medical debris.									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 5	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 DSC_0246: Image of evidence item #5, medical debris and blood stain.									
3									
4 DSC_0247: Image of evidence item #6, single blue latex glove.									
5									
6 DSC_0248 - DSC_0249: Images of evidence item #1, white driver's side									
7 mirror.									
8									
9 DSC_0250 - DSC_0251: Images of evidence item #3, piece of denim from									
10 S01 jeans.									
11									
12 DSC_0252: Image of medical debris, blood stain and cut piece of									
13 denim.									
14									
15 DSC_0253 - DSC_0254: Images of evidence item #5, medical debris.									
16									
17 DSC_0255 - DSC_0256: Images of evidence item #4, medical debris.									
18									
19 DSC_0257 - DSC_0258: Images of evidence item #6, blue latex glove.									
20									
21 DSC_0259 - DSC_0260: Images of evidence item #7, black Papermate									
22 pen.									
23									
24 DSC_0261 - DSC_0262: Images of measurements for skid marks of Black									
25 Kia Sedona.									
26									
27 DSC_0263 - DSC_0264: Images of skid mark of Honda Accord.									
28									
29 DSC_0265 - DSC_0266: Images of white Toyota Tundra parked on south									
30 side of Jerilyn Drive, facing east.									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 6	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1									
2 DSC_0267: Image of blue pickup truck parked on the north side of									
3 Jerilyn Drive, facing west.									
4									
5 DSC_0268: Image of black Kia Sedona parked on the south side of									
6 Jerilyn Drive, facing east.									
7									
8 DSC_0269: Image of gold Ford Ranger parked on the south side of									
9 Jerilyn Drive, facing east.									
10									
11 DSC_0270: Images of a silver Kia Optima and grey Buick parked on a									
12 driveway on Jerilyn Drive.									
13									
14 DSC_0271: Image of S01- white Honda Civic, facing east on									
15 Jerilyn Drive.									
16									
17 DSC_0272: Image of collision between S01- Honda Civic and Dodge									
18 Durango.									
19									
20 DSC_0273: Image of silver Nissan Frontier parked on the south side of									
21 Jerilyn Drive, facing east.									
22									
23 DSC_0274: Image of black GMC Yukon parked on a driveway on Jerilyn									
24 Drive.									
25									
26 DSC_0275: Image of yellow tractor parked on a driveway on Jerilyn									
27 Drive.									
28									
29 DSC_0276: Image of VIN plate for black Dodge Durango.									
30									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 7	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 DSC_0277: Image of white Kia Sorento parked on south side of Jerilyn Drive, facing east.									
2 Drive, facing east.									
3									
4 DSC_0278: Image of white delivery truck parked on a driveway on Jerilyn Drive.									
5 Jerilyn Drive.									
6									
7 DSC_0279: Image of white Cadillac Escalade parked on a driveway on Jerilyn Drive.									
8 Jerilyn Drive.									
9									
10 DSC_0280 - DSC_0281: Images of black Ford pickup parked on the north side of Jerilyn Drive, facing west.									
11 side of Jerilyn Drive, facing west.									
12									
13 DSC_0282: Image of grey Honda Odyssey and red Honda Civic parked on a driveway on Jerilyn Drive.									
14 driveway on Jerilyn Drive.									
15									
16 DSC_0283: Image of dark grey Honda Odyssey parked on the north side of Jerilyn Drive, facing west.									
17 Jerilyn Drive, facing west.									
18									
19 DSC_0284: Image of dark grey Nissan Quest parked on the north side of Jerilyn Drive, facing west.									
20 Jerilyn Drive, facing west.									
21									
22 DSC_0285: Images of blue Honda Civic, green Honda Civic and white Honda Civic parked on a driveway on Jerilyn Drive.									
23 Honda Civic parked on a driveway on Jerilyn Drive.									
24									
25 DSC_0287: Image of green Honda CR-V parked on a driveway on Jerilyn Drive.									
26 Drive.									
27									
28 DSC_0288: Image of Ford Ranger parked on the south side of Jerilyn Drive, facing east.									
29 Drive, facing east.									
30									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 8	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 DSC_0289 - DSC_0290: Images of gold Daewoo Leganza and red Honda									
2 Accord on a driveway on Jerilyn Drive.									
3									
4 DSC_0291: Image of blue pick up truck parked on the north side of									
5 Jerilyn Drive, facing west.									
6									
7 INVESTIGATION CONTINUED:									
8									
9 I assisted Detective Sergeant Leon by taping black plastic over the									
10 driver's side window, passenger side window and sunroof of									
11 S01- white Honda Civic. Detective Cortez placed seals around									
12 the openings of S01- Honda Civic. I took digital photographs									
13 of the seals.									
14									
15 PHOTOLOG CONTINUED:									
16									
17 DSC_0292 - DSC_0302: Images of S01- Honda Civic sealed for									
18 evidence.									
19									
20 INVESTIGATION CONTINUED:									
21									
22 On 03-19-13 at approximately 0600 hours, Detective Cortez and I left									
23 the area.									
24									
25 On 03-19-13 at approximately 0620 hours, Detective Cortez and I									
26 arrived back at Sheriff's Office Headquarters.									
27									
28 On 03-19-13 at approximately 0705 hours, San Jose Tow arrived at the									
29 Sheriff's Office Evidence Yard and towed S01- white Honda									
30 Civic into the yard. The white Honda Civic was towed on a flatbed									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 9	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 truck, which did not have a covered enclosure.

2

3 I noticed the black plastic bag used to seal the sunroof had been

4 blown open by the wind, while the vehicle was in tow. The passenger

5 side window seal was broken, also because of the wind.

6

7 Detective Cortez and I secured the Sheriff's Office Evidence Yard and

8 left.

9

10 On 03-20-13 at approximately 0930 hours, Detective Sergeant Leon and I

11 arrived at the Sheriff's Office Evidence Yard to process S01-

12 white Honda Civic.

13

14 PHOTOLOG CONTINUED:

15

16 DSC_0303: Image of case information.

17

18 DSC_0304 - DSC_0364: Images of exterior of Honda Civic

19

20 DSC_0365 - DSC_0368: Images of driver's side door panel.

21

22 DSC_0369: Image of VIN sticker on driver's side door jamb.

23

24 DSC_0370 - DSC_0372: Images of driver's side seat and floorboard.

25

26 DSC_0373 - DSC_0374: Images of driver's side door panel pocket.

27

28 DSC_0375: Image of driver's side floorboard.

29

30 DSC_0376 - DSC_0379: Images of passenger side seat and floorboard.

OFFICER'S NAME Mah	ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 10	OF 17
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 DSC_0380 - DSC_0381: Images of passenger side door panel.									
3									
4 DSC_0382 - DSC_0384: Images of center console area.									
5									
6 DSC_0385: Image of radio and cubby space below radio.									
7									
8 DSC_0386 - DSC_0387: Images of sunroof and roof liner.									
9									
10 DSC_0388 - DSC_0389: Images of windshield and front dashboard.									
11									
12 DSC_0390 - DSC_0391: Images of ignition area.									
13									
14 DSC_0392 - DSC_0395: Images of driver's side rear seat.									
15									
16 DSC_0396: Image of driver side rear side compartment.									
17									
18 DSC_0397 - DSC_0399: Images of the backside of driver and passenger									
19 seats.									
20									
21 DSC_0400: Image of passenger side rear floorboard.									
22									
23 DSC_0401: Image of passenger side rear compartment.									
24									
25 DSC_0402: Image of rear dashboard.									
26									
27 DSC_0403: Image of driver's area.									
28									
29 DSC_0404 - DSC_0408: Images of trunk area.									
30									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 11	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 DSC_0409 - DSC_00410: Images of driver side floorboard, driver's side								
2 door jamb.								
3								
4 DSC_0411: Image of items removed from rear passenger side.								
5								
6 DSC_0412 - DSC_0415: Images showing paperwork, Office Depot membership								
7 card, fortune cookie fortune, clear plastic cup, clear plastic cup								
8 with lid and straw and floormat.								
9								
10 DSC_0416: Image of items removed from rear driver's side.								
11								
12 DSC_0417 - DSC_0424: Images of black Sharks hat with blood, a pair of								
13 grey shoes, blue binder with paperwork, plastic water bottle,								
14 receipt, steering wheel cover, two fortune cookie fortunes, Office								
15 Depot membership application, white t-shirt with blood, miscellaneous								
16 US Currency change and floormat.								
17								
18 DSC_0425: Image of items removed from driver side front.								
19								
20 DSC_0426 - DSC_0428: Images of receipt from Home Depot, blue broken								
21 saw and floormat.								
22								
23 DSC_0429: Images of items removed from passenger side front.								
24								
25 DSC_0430 - DSC_0436: Images of black Mizuno batting glove, a 750ML of								
26 Jameson Whiskey, plastic water bottle, paperback book, Office Depot								
27 membership tag, two Office Depot receipts, a pair of black slippers,								
28 audio cable, black jacket and floormat.								
29								
30 DSC_0437: Image of glove box containing paperwork.								
OFFICER'S NAME Mah	ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 12	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 DSC_0438: Image of center console.									
3									
4 DSC_0439 - DSC_0440: Images of Target receipt, The Home Depot receipt,									
5 napkin and two grey rubber gloves which were located in the center									
6 console.									
7									
8 DSC_0441 - DSC_0445: Images of vehicle registration paperwork located									
9 in the glove box.									
10									
11 DSC_0446: Image of gas tank filler cap.									
12									
13 DSC_0447 - DSC_0448: Image of engine bay.									
14									
15 DSC_0449 - DSC_0451: Images of ignition with blue broken saw									
16 inserted.									
17									
18 DSC_0452 - DSC_0453: Images of trunk area and spare tire.									
19									
20 INVESTIGATION CONTINUED:									
21									
22 I placed the broken blue saw into the Honda ignition and turned the									
23 ignition. The ignition turned. Based on my training and experience, I									
24 believe this broken saw was used as a shaved key.									
25									
26 The Jameson whiskey bottle was approximately 3/4 full. I emptied the									
27 bottle and collected it as evidence.									
28									
29 I collected the bloody hat, bloody t-shirt, black Mizuno batting									
30 glove, and two rubber gloves as evidence.									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 13	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 I brought the evidence over to the Sheriff's Office secured CSI room.									
3									
4									
5 On 03-20-13 at approximately 1530 hours, Detective Cortez and I									
6 photographed and packaged the evidence.									
7									
8 PHOTOLOG CONTINUED:									
9									
10 DSC_0454 - DSC_0458: Images of evidence item #1, driver's side									
11 mirror.									
12									
13 DSC_0459 - DSC_0462: Images of evidence item #2, .45 shell casing.									
14									
15 DSC_0463 - DSC_0467: Images of evidence item #3, torn denim.									
16									
17 DSC_0468 - DSC_0470: Images of evidence item #4, medical debris.									
18									
19 DSC_0471 - DSC_0472: Images of evidence item #5, medical debris.									
20									
21 DSC_0473 - DSC_0474: Images of evidence item #6, blue latex glove.									
22									
23 DSC_0475 - DSC_0476: Images of evidence item #7, black Papermate									
24 pen.									
25									
26 DSC_0477 - DSC_0479: Images of evidence item #9, blue broken saw.									
27									
28 DSC_0480 - DSC_0484: Images of evidence item #10, bloody black hat.									
29									
30 DSC_0485 - DSC_0488: Images of evidence item #11, white bloody									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 14	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 t-shirt.									
2									
3 DSC_0489 - DSC_0492: Images of evidence item #12, empty Jameson									
4 whiskey bottle.									
5									
6 DSC_0493 - DSC_0496: Images of evidence item #13, black Mizuno batting									
7 glove.									
8									
9 DSC_0497 - DSC_0500: Images of evidence item #14, two rubber gloves.									
10									
11 INVESTIGATION CONTINUED:									
12									
13 On 03-20-13 at approximately 1630 hours, Detective Cortez and I booked									
14 the evidence into the Evidence room located at the Sheriff's Office									
15 Headquarters.									
16									
17 At the end of my shift, I transferred the digital photographs from my									
18 digital camera onto two DVD's. I gave one DVD to Detective Sergeant									
19 Quinonez. I booked the other DVD containing the digital photographs									
20 as evidence into the Evidence room located at Sheriff's Office									
21 Headquarters.									
22									
23 END OF REPORT									
24									
25 P.L.E.O.									
26									
27 Detective Mah #2055 Assist, Supplemental Report									
OFFICER'S NAME Mah		ID NUMBER 2055	DATE 03/25/13 914	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Simonson, Aaron	ID NUMBER 1657	DATE 04/01/13 1645	PAGE 15	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	13-077-0391E	<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; text-align: center;">Office of the Sheriff Santa Clara County</p> <p style="text-align: center;">55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
9	E		1	Tool			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

Vehicle
Small, blue metal saw. Fits in the ignition

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
10	E		1	Clothing	47		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

Driver's side rear floorboard of Honda Civic
Black San Jose Sharks hat, stained with blood

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
11	E		1	Clothing	Comfort Soft		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	

Driver's side rear floorboard of Honda Civic
White t-shirt, stained with blood

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

WHO HAS BEEN NOTIFIED ON THE FOLLOING DAT	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 _____ 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
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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
Mah	2055	03/25/13 914	DET FSS	Simonson, Aaron	1657	04/01/13 1645	16	17

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
12	E		1	Alcohol	Jameson	Whiskey	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Front passenger floorboard of Honda Civic			0	187061		<input type="checkbox"/>
DESCRIPTION Empty 750ML glass bottle of Jameson whiskey. Approximately 3/4 full (when located)								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
13	E		1	Clothing	Mizuno		BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Front passenger floorboard of Honda Civic			0	187062		<input type="checkbox"/>
DESCRIPTION (1) Black, right hand Mizuno batting glove								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
14	E		1	Clothing	Unknown	Unknown	BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		Center console of Honda Civic			0	187063		<input type="checkbox"/>
DESCRIPTION (1) right hand and (1) left hand, dark grey gardening gloves								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION	
15	E		1	DVD Media			BAR CODE Bar code	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
					0	187064		<input type="checkbox"/>
DESCRIPTION (1) DVD containing 500 digital photographs of crime scene and evidence								

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **SUPPLEMENTAL:**

2

3 03-18-2013 at approximately 2010 hours, I transported S02

4 from Jerilyn Avenue in San Jose to the detective's interview room at

5 Sheriff's Office Headquarters. I recorded S02 statements

6 using my department issued digital recorder. S02 made the

7 following spontaneous statements:

8

9 SPONTANEOUS STATEMENTS BY S02 :

10

11 At approximately 2018 hours, S02 said it was crazy that the

12 guy sitting next to him got shot in the head, and in time he would

13 figure it all out. S02 said, It came out of no where!

14

15 At approximately 2019 hours, S02 said he did not need any

16 medical attention.

17

18 At approximately 2020 hours, S02 said he kind of lost track

19 of everything.

20

21 At approximately 2021 hours, S02 said it was crazy that the

22 guy sitting next to him in the car got shot in his head.

23

24 At approximately 2022 hours, S02 said it was crazy that one

25 minute you are driving in a car with someone, Then boom! they get

26 shot.

27

28 At approximately 2100 hours, S02 said he had a cut on his

29 leg.

30

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E		
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))				
<p>1 On 03/19/2013 at approximately 0100 hours, S02 made a phone</p> <p>2 call from Sheriff's Office Headquarters at the Operations Desk to his</p> <p>3 girlfriend .</p> <p>4</p> <p>5 At approximately 0102 hours, S02 asked his girlfriend to</p> <p>6 call and have him call the number he (S02) called</p> <p>7 him from. S02 told his girlfriend that he was at the</p> <p>8 Sheriff's Office and that he was going to jail.</p> <p>9</p> <p>10 S02 told his girlfriend, a guy he knew was driving, crashed,</p> <p>11 and got shot in the head. S02 told his girlfriend he did</p> <p>12 not know what was going on, but he thinks there is something more to</p> <p>13 it. S02 told his girlfriend she would probably hear about</p> <p>14 it.</p> <p>15</p> <p>16 S02 asked his girlfriend to call the number that he (S02</p> <p>17) called from and let them know what happened so they</p> <p>18 can get his stuff from the lounge.</p> <p>19</p> <p>20 P.L.E.O.S</p> <p>21</p> <p>22 Deputy Tolbertson 2155 Supplemental Report</p> <p>23 Deputy De Santiago 2024 Assist / No Report</p> <p>24 Deputy Mitre 2160 Original Report</p> <p>25 Sergeant Quinonez 1644 Supplemental Report</p>								
OFFICER'S NAME Tolbertson, Chris		ID NUMBER 2155	DATE 03/23/13 1852	SHIFT/DAYS OFF 3 TWTF	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/26/13 1033	PAGE OF 2 2

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 SUPPLEMENTAL REPORT

2

3 On Monday, March 18, 2013, at 1915 hours, I was working as a reserve

4 deputy, in uniform, when the Sheriff's Operation's Desk told me to

5 respond to an officer involved shooting at Jerilyn Drive in San Jose.

6 I arrived on scene at 1940 hours.

7

8 At 1955 hours, Sgt. Richmond #2006 took me into the crime scene and

9 told me to watch a brass casing until I was relieved by the Crime

10 Scene Investigators.

11

12 I saw that a single brass casing was on Jerilyn Drive, directly in

13 front of the residence at . During the time that

14 I watched the casing it was never moved from its location.

15

16 At 2337 hours, the Crime Scene Investigators relieved me of my duty.

17

18 P.L.E.O.:

19

20 Reserve Deputy J. Stephens #9318 Supplemental Report

21

22 END OF REPORT

OFFICER'S NAME Stephens, James	ID NUMBER 9318	DATE 03/23/13 1306	SHIFT/DAYS OFF 2 MTWT	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/26/13 1032	PAGE 1	OF 1
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E	
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))			
1 SUPPLEMENTAL REPORT:							
2							
3 INVESTIGATION:							
4							
5 I am assigned in the Sexual Assaults Investigations Unit for the Santa							
6 Clara County Sheriff's Office Investigations Division. One of my							
7 collateral duties is being a Field Evidence Technician assigned to							
8 the Crime Scene Investigation Unit.							
9							
10 On 03-18-2013 at approximately 1915 hours, I was notified by CSI							
11 Sergeant Leon of a possible CSI call out in unincorporated San Jose.							
12 Sergeant Leon informed me there was an officer involved shooting on							
13 Jerilyn Drive at Athene Drive involving the San Jose Police							
14 Department. Shortly after talking to Sergeant Leon, Captain Rodriguez							
15 called me and asked me to respond for the CSI call out. I notified							
16 CSI Detective Mah and provided him with the details of the call							
17 out.							
18							
19 At approximately 1950 hours, I arrived at Sheriff's Office							
20 Headquarters to prepare for the CSI call out. Sergeant Leon arrived							
21 and assisted me with the preparations for the CSI call out.							
22							
23 At approximately 2030 hours, CSI Detective Mah arrived at Sheriff's							
24 Office Headquarters. We immediately responded to the crime scene. We							
25 arrived at approximately 2043 hours. Sergeant Quinonez, Sergeant							
26 Brown, Captain Rodriguez, Captain Sung, Lt. Vasquez, and Sergeant							
27 Richmond were present at the crime scene.							
28							
29 San Jose Police Department Lt. Pedreira provided Sergeant Brown,							
30 Sergeant Quinonez, Sergeant Leon, CSI Detective Mah, and I details of							
OFFICER'S NAME Cortez, Noe	ID NUMBER 1887	DATE 03/21/13 1642	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1833	PAGE OF 1 13

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E				
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 the incident. SJPD Lt. Pedreira informed us the San Jose Police								
2 Department Metro Unit was conducting surveillance at approximately								
3 1648 hours. The Metro Unit on-viewed a stolen vehicle and attempted a								
4 felony car stop. The driver, later identified as S01 ,								
5 rammed one of the Metro unmarked vehicles. S01 backed up and								
6 rammed a civilian vehicle. S01 attempted to run over a San Jose								
7 Police officer. A San Jose police officer shot S01 The								
8 passenger in S01 , later identified as S02 ,								
9 was detained. S01 was transported to the Regional Medical								
10 Center where he was passed away at approximately 1913 hours. (SJPD								
11 case# 13-077-0639)								
12								
13 At approximately 2113 hours, the temperature at the scene was 55								
14 degrees Fahrenheit.								
15								
16 At approximately 2118 hours, CSI Detective Mah, CSI Sergeant Leon,								
17 Sergeant Quinonez, Sergeant Brown, Captain Rodriguez, SJPD Lt. Kihmm,								
18 District Attorney Investigator Sterner, District Attorney								
19 Investigator Gaynor, and Deputy District Attorney Mendoza entered the								
20 crime scene to conduct the walk through led by Sergeant Richmond. We								
21 entered the crime scene at the southeast corner of Jerilyn Drive at								
22 Athene Drive. We walked eastbound on the sidewalk viewing the								
23 numerous vehicles involved in the incident until we arrived at the								
24 vehicle S01 drove during the incident. We made our initial								
25 observations and exited the crime scene.								
26								
27 At approximately 2133 hours, Deputy Gonzalez arrived and entered the								
28 crime scene to assist with processing. Deputy Gonzalez conducted a								
29 walk through of the crime scene with me. After the walk through of								
30 the crime scene, Deputy Gonzalez responded to Sheriff's Office								
OFFICER'S NAME Cortez, Noe	ID NUMBER 1887	DATE 03/21/13 1642	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1833	PAGE 2	OF 13

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Headquarters to retrieve additional lighting equipment.

2

3 At approximately 2145 hours, I started the video recording of the

4 crime scene. At approximately 2150 hours, CSI Detective Mah started

5 to take overall digital photographs of the crime scene.

6

7 **SCENE DESCRIPTION:**

8

9 The outer crime scene was blocked off with crime scene tape at two

10 locations. The first location was at Woodhaven Drive at Athene Drive

11 and the second location was at Jerilyn Drive at Emerick Avenue. The

12 inner crime scene was blocked with crime scene tape at two locations.

13 The first location was blocked off from the southwest corner of

14 to the northeast corner of Jerilyn Drive at Athene

15 Drive. The second location of the inner crime scene was blocked off

16 at the southeast corner of to the northeast

17 corner of .

18

19 I started video recording the crime scene at the southwest corner of

20 the crime scene and moved east along the sidewalk. There was a San

21 Jose Fire Department vehicle, Engine SQ26, parked with lights

22 illuminating the crime scene at the southwest corner of the crime

23 scene. East of the SJFD Engine, there was a white Toyota Tundra truck

24 with a California license plate of parked on the south edge

25 of Jerilyn Drive.

26

27 Moving east on the south end of Jerilyn Drive, there was a dark

28 colored Kia Sedona minivan with a California license plate of

29 that had collision damage on the rear driver's side light and bumper

30 area. The Kia Sedona was parked in front of . The

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 front of the Kia Sedona minivan was parked on the street while the
2 rear of the Kia Sedona minivan was on the sidewalk. There was white
3 paint transfer on the Kia Sedona minivan near the damaged rear light.
4 There was a white side mirror on the ground at the rear of the Kia
5 Sedona minivan. The white side mirror was later identified as
6 evidence item #1, the driver's side mirror from the stolen white
7 Honda Civic S01 was driving.
8
9 Parked on the street in front of , there was a gold
10 Ford truck with a California license plate of . On the ground
11 near the driver's side of the gold Ford truck, deputies located a
12 bullet casing. The bullet casing was later identified as evidence
13 item #2, a Federal .45 caliber bullet casing.
14
15 There was a white Honda Civic with a California license plate of
16 wrecked on the street in front of the east end of the
17 driveway of . The white Honda Civic was the stolen
18 vehicle S01 was driving. The passenger door on the Honda Civic
19 was open. There was blood visible inside the Honda Civic on the
20 driver's seat, the passenger seat, and the rear compartment area.
21 Both the driver door window and the passenger door window were
22 shattered. The Honda Civic was crashed into the rear of a Dodge, with
23 a Nevada license plate of . The Dodge was parked in front of
24 . The Dodge was pushed into the rear of a Nissan
25 with a California license plate of The Nissan was parked in
26 front of .
27
28 The crime scene continued east on the south end of Jerilyn Drive. In
29 front of , there were two vehicles parked on the
30 street. The first vehicle was a Jeep with a California license plate

OFFICER'S NAME Cortez, Noe	ID NUMBER 1887	DATE 03/21/13 1642	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1833	PAGE 4	OF 13
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 of . The second vehicle was a Kia with a California license
 2 plate of . These vehicles did not appear damaged during the
 3 incident.
 4
 5 I continued to video tape the crime scene by crossing the street to
 6 the northeast corner of the crime scene. I started at
 7 and moved west along the sidewalk. On the street in front of
 8 , there was a Ford truck with a California license
 9 plate of . Also parked on the street in front of
 10 , there was a Honda with a California license plate of
 11 These vehicles did not appear damaged during the incident.
 12
 13 Parked on the street in front of , there was a
 14 Honda minivan with a California license plate of . There was
 15 no visible damage on this vehicle from the incident.
 16
 17 Parked on the street in front of , there was a
 18 Nissan Quest with a California license plate of . Directly in
 19 front of the Nissan Quest on the street, there was shattered glass.
 20 The glass did not appear to be from the Nissan Quest.
 21
 22 Parked on the street in front of , there was a Ford
 23 truck with a California license plate of . This vehicle did
 24 not appear to have damage from the incident.
 25
 26 Parked on the street in front of , there was a
 27 Chevrolet truck with a California license plate of . This
 28 vehicle did not appear to have damage from the incident.
 29
 30 I continued to video record the crime scene as I moved from the west

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 end of the crime scene to the east end of the crime scene. I moved
2 along the center of the street and video taped the vehicles involved
3 in the incident that were parked in the middle of the street.
4
5 There was a gray Ford Expedition with a California license plate of
6 parked in the middle of the street with the engine on. The
7 Ford Expedition was identified as an unmarked San Jose Police
8 Department vehicle. The Ford Expedition did not appear to have any
9 damage caused by the incident.
10
11 East of the Ford Expedition, there was a white Chevrolet Tahoe with a
12 California license plate of stopped in the middle of the
13 street. The white Chevrolet Tahoe was identified as an unmarked San
14 Jose Police Department vehicle. The Chevrolet Tahoe had damage on the
15 rear bumper area. The Chevrolet Tahoe was hit by a gray Nissan Altima
16 with a California license plate of . The Nissan Altima was
17 identified as an unmarked San Jose Police Department vehicle. The
18 Nissan Altima had damage on the front of the vehicle and on the
19 passenger side of the vehicle. There were fluids on the street from
20 the Nissan Altima's engine compartment.
21
22 There was a gray Honda Accord with a California license plate of
23 stopped in the middle of the street. The Honda Accord had
24 major damage. The Honda Accord's bumper was on the street a few feet
25 west of the Honda. The Honda Accord was identified as an unmarked San
26 Jose Police Department vehicle.
27
28 I continued to move eastbound on Jerilyn Drive towards the wrecked
29 stolen vehicle. I saw the Federal .45 caliber bullet on the street in
30 front of . There was a black Papermate pen located

OFFICER'S NAME Cortez, Noe	ID NUMBER 1887	DATE 03/21/13 1642	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1833	PAGE 6	OF 13
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1 on the ground southeast of the bullet. There was medical debris, one</p> <p>2 jean pant leg with blood, and a blue latex glove located on the</p> <p>3 street near the driver's side of the stolen white Honda Civic.</p> <p>4</p> <p>5 INVESTIGATION CONTINUED:</p> <p>6</p> <p>7 At approximately 2214 hours, I completed video recording the crime</p> <p>8 scene. I secured the video tape in the CSI van. I later booked the</p> <p>9 video tape as evidence item #8.</p> <p>10</p> <p>11 At approximately 2240 hours, Deputy Gonzalez returned to the crime</p> <p>12 scene and set up the lighting equipment.</p> <p>13</p> <p>14 At approximately 2330 hours, Deputy Gonzalez started to scan the crime</p> <p>15 scene using the Sheriff's Office Leica Geosystems ScanStation C10. At</p> <p>16 approximately 0450 hours, Deputy Gonzalez completed scanning the</p> <p>17 crime scene with the Sheriff's Office Leica Geosystems ScanStation</p> <p>18 C10.</p> <p>19</p> <p>20 I utilized a telephone pole in the yard of as</p> <p>21 reference point A. I utilized a telephone pole in the yard of</p> <p>22 as reference point B. The telephone pole used as point</p> <p>23 B was marked with the number 2581. Using the Leica Rangefinder from</p> <p>24 the CSI van, Sergeant Fisher and I obtained measurements of the</p> <p>25 evidence items I collected. All measurements are approximate.</p> <p>26</p> <p>27 At approximately 0500 hours, I collected the following items of</p> <p>28 evidence:</p> <p>29</p> <p>30 EVIDENCE:</p>									
OFFICER'S NAME Cortez, Noe		ID NUMBER 1887	DATE 03/21/13 1642	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1833	PAGE 7	OF 13

REPORT TYPE 664/187 PC [F] Attempted Murder <-> 10851(a) VC [F] Recovered Stolen Vehicle <-> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1									
2 At approximately 0500 hours, I collected the white driver's side									
3 mirror from the stolen white Honda Civic as evidence item #1.									
4 Evidence item #1 was located 96.11 feet from point A and 78.85 feet									
5 from point B.									
6									
7 At approximately 0501 hours, I collected the Federal .45 caliber									
8 bullet casing as evidence item #2. Evidence item #2 was located									
9 128.80 feet from point A and 39.49 feet from point B.									
10									
11 At approximately 0502 hours, I collected the cut off jean pant leg									
12 with blood by the stolen white Honda Civic as evidence item #3.									
13 Evidence item #3 was located 164.45 feet from point A and 38.84 feet									
14 from point B.									
15									
16 At approximately 0503 hours, I collected the medical debris by the									
17 stolen white Honda Civic as evidence item #4. Evidence item #4 was									
18 located 167.13 feet from point A and 37.67 feet from point B.									
19									
20 At approximately 0504 hours, I collected the medical debris by the									
21 stolen white Honda Civic as evidence item #5. Evidence item #5 was									
22 located 161.24 feet from point A and 32.13 feet from point B.									
23									
24 At approximately 0506 hours, I collected a blue latex glove by the									
25 stolen white Honda Civic as evidence item #6. Evidence item #6 was									
26 located 174.48 feet from point A and 38.86 feet from point B.									
27									
28 At approximately 0506 hours, I collected a black Papermate pen as									
29 evidence item #7. Evidence item #7 was located 140.40 feet from point									
30 A and 40.35 feet from point B.									
OFFICER'S NAME Cortez, Noe		ID NUMBER 1887	DATE 03/21/13 1642	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1833	PAGE 8	OF 13

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 INVESTIGATION CONTINUED:

3

4 At approximately 0520 hours, I sealed the stolen white Honda Civic

5 with Sheriff's Office evidence sealing tape.

6

7 At approximately 0530 hours, we released the crime scene. Unique Tow

8 arrived and towed unmarked San Jose Police Department vehicles with

9 California license plate and unmarked San Jose Police

10 Department vehicles with California license plate .

11

12 At approximately 0600 hours, CSI Detective Mah and I left the scene in

13 the CSI van and responded to Sheriff's Office Headquarters. CSI

14 Detective Mah and I arrived at Sheriff's Office Headquarters at

15 approximately 0620 hours.

16

17 At approximately 0630 hours, CSI Detective Mah and I secured the

18 evidence in the Sheriff's Office Investigations Division CSI

19 processing room.

20

21 At approximately 1305 hours, Sergeant Leon, Sergeant Brown, Sergeant

22 Quinonez, and I returned to the crime scene to search for the bullet.

23 After obtaining details of the shooting, we searched possible

24 locations where the bullet might be located. We conducted visual

25 search of the residents located at ,

26 , , and . Additionally, I

27 used the metal detector from the CSI van to search the front lawns of

28 the residences. We were not able to locate the bullet.

29

30 At approximately 1400 hours, we left the scene. I returned to

OFFICER'S NAME Cortez, Noe	ID NUMBER 1887	DATE 03/21/13 1642	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1833	PAGE 9	OF 13
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 Sheriff's Office Headquarters. At approximately 1600 hours, I									
2 completed my assignment for the day.									
3									
4 INVESTIGATION CONTINUED:									
5									
6 On 03-20-12 at approximately 1500 hours, I assisted CSI Detective Mah									
7 with transporting evidence items #9 through evidence item #14 from									
8 the Sheriff's Office evidence yard to the Sheriff's Office									
9 Investigations Division CSI processing room. CSI Detective Mah and I									
10 processed the evidence items collected from the scene and from the									
11 stolen vehicle.									
12									
13 At approximately 1700 hours, CSI Detective Mah and I completed									
14 processing the evidence. We secured the evidence in the CSI									
15 processing room and completed our assignment for the day.									
16									
17 INVESTIGATION CONTINUED:									
18									
19 On 03-21-13 at approximately 1700 hours, I booked the evidence items									
20 #1 through evidence item #8 into the Sheriff's Office evidence									
21 room.									
22									
23 End of supplemental report.									
24									
25 PLEOS									
26									
27 Detective Cortez #1887- Supplemental Report									
28 Detective Mah #2055- Supplemental Report									
29 Deputy Gonzalez #1826- Supplemental Report									
30 Sergeant Fisher #1915- Supplemental Report									
OFFICER'S NAME Cortez, Noe		ID NUMBER 1887	DATE 03/21/13 1642	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1833	PAGE 10	OF 13

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **Sergeant Leon #1685- Supplemental Report**

2 **Sergeant Brown #1688 - Assist**

3 **Sergeant Quinonez #1644 - Assist**

OFFICER'S NAME Cortez, Noe	ID NUMBER 1887	DATE 03/21/13 1642	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1833	PAGE 11	OF 13
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	13-077-0391E	<input type="checkbox"/> HEALTH HAZARD
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SOURCE CODE: "F" = FINDER "O" = OWNER "S" = SUSPECT "V" = VICTIM

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

	Office of the Sheriff Santa Clara County 55 West Younger Avenue San Jose CA 95110 (408) 808-4500
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
1	E		1	Side mirror	Honda	Civic	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		On the ground on Jerilyn Drive			0	187225	<input type="checkbox"/>
DESCRIPTION Driver's side rearview mirror from the white Honda Civic located on the street in front of collected by Det. Cortez at approximately 0500 hours on 03-19-13.							
BAR CODE							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
2	E		1	Bullet casing	Federal	45 Auto	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		On the ground on Jerilyn Drive			0	187226	<input type="checkbox"/>
DESCRIPTION Federal 45 auto bullet casing located on the street in front of collected by Det. Cortez at approximately 0501 hours on 03-19-13.							
BAR CODE							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
3	E		1	Jeans pant leg	n/a	n/a	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		On the ground on Jerilyn Drive			0	187227	<input type="checkbox"/>
DESCRIPTION Partial blue jeans pants leg with blood located on the street by the driver's side of the white Honda Civic collected by Det. Cortez at approximately 0502 hours on 03-19-							
BAR CODE							
Bar code							

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
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RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE NAME ADDRESS CITY <input type="checkbox"/> FOLLOWING NAMED PERSON
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WHO HAS BEEN NOTIFIED ON THE FOLLOING DAT	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	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Cortez, Noe	1887	03/21/13 1642	DET FSS	Rodriguez, Daniel	1659	04/15/13 1833	12	13

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL <h1 style="margin:0;">PROPERTY</h1>	CASE NO. 13-077-0391E	<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"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
4	E		1	Medical debris	n/a	n/a	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		On the ground on Jerilyn Drive			0	187228	<input type="checkbox"/>
DESCRIPTION Medical debris located on the street by the driver's side of the white Honda Civic collected by Det. Cortez at approximately 0503 hours on 03-19-13.							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
5	E		1	Medical debris	n/a	n/a	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		On the ground on Jerilyn Drive			0	187229	<input type="checkbox"/>
DESCRIPTION Medical debris located on the street by the driver's side of the white Honda Civic collected by Det. Cortez at approximately 0504 hours on 03-19-13.							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
6	E		1	Latex glove	n/a	n/a	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		On the ground on Jerilyn Drive			0	187230	<input type="checkbox"/>
DESCRIPTION Blue latex glove located on the street by the driver's side of the white Honda Civic collected by Det. Cortez at approximately 0506 hours on 03-19-13.							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
7	E		1	Pen	Papermate	Medium tip	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		On the ground on Jerilyn Drive			0	187231	<input type="checkbox"/>
DESCRIPTION One black Papermate, medium tip, pen located on the street in front of collected by Det. Cortez at approximately 0506 hours on 03-19-13.							
							BAR CODE
							Bar code

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
8	E		1	Video tape	JVC	Mini DV	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
n/a		At the scene			0	187232	<input type="checkbox"/>
DESCRIPTION Digital video recording of the crime scene collected by Det. Cortez at approximately 2145 hours on 03-19-13.							
							BAR CODE
							Bar code

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OFFICER'S NAME Cortez, Noe	ID NUMBER 1887	DATE 03/21/13 1642	SHIFT/DAYS OFF DET FSS	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1833	PAGE 13	OF 13
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 INVESTIGATION:
2
3 The purpose of this report is to document the booking of evidence.
4 Additional report(s) to follow.
5
6 P.L.E.O.:
7
8 Sgt. H. Leon #1685 Supplemental Report

OFFICER'S NAME Leon, Herman	ID NUMBER 1685	DATE 03/21/13 1642	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/18/13 1800	PAGE 1	OF 4
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	13-077-0391E	<input type="checkbox"/> HEALTH HAZARD
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SOURCE LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) RESIDENCE ADDRESS and PHONE; BUSINESS PHONE and ADDRESS

S01	<input type="checkbox"/> STATE OF CA.	Res: RPh: Bus:	BPh:	<h2 style="margin: 0;">Office of the Sheriff</h2> <h3 style="margin: 0;">Santa Clara County</h3> <p style="margin: 0;">55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
1	E	S01	1	Tank top	ADIDAS		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187184	<input type="checkbox"/>
DESCRIPTION Golden State Warriors "Jackson 1" tank top team jersey. Orange with blue and yellow trim. Size XXL. (Biohazard-Blood stained)							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
2	E	S01	1	Tank top			
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187185	<input type="checkbox"/>
DESCRIPTION White tank top. (Biohazard-Blood stained)							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
3	E	S01	1	Pants	JEANUINBLEU		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187186	<input type="checkbox"/>
DESCRIPTION Designer blue jeans. Size 40 x 34. (Biohazard-Blood stained)							

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 DAT	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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<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	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Leon, Herman	1685	03/21/13 1642	Det F-Su	Rodriguez, Daniel	1659	04/18/13 1800	2	4

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 13-077-0391E	<input type="checkbox"/> HEALTH HAZARD
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
4	E	S01	1	Underwear	FRUIT OF THE LOO		BAR CODE
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187187	<input type="checkbox"/>
DESCRIPTION Plaid green and blue mens boxer-style underwear. (Biohazard-Blood stained)							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
5	E	S01	1	Socks			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187188	<input type="checkbox"/>
DESCRIPTION One pair of black low ankle style socks.							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
6	E	S01	1	Athletic Shoes	NIKE	AIR MAX	BAR CODE
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187189	<input type="checkbox"/>
DESCRIPTION One pair of white athletic shoes with red and black trim/NIKE logo. Size 9 1/2 Mens.							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
7	E	S01	1	Gloves	QUARTERMASTER	LAW PRO	BAR CODE
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187190	<input type="checkbox"/>
DESCRIPTION One pair of black mens nylon gloves. Size Small. (Biohazard-Blood stained)							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
8	E	S01	1	Belt			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187191	<input type="checkbox"/>
DESCRIPTION One mens brown belt with white metal buckle. Size 42 inches.							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
9	E	S01	2	Lanyards			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187192	<input type="checkbox"/>
DESCRIPTION Two intertwined/interconnected lanyards with one TOYOTA key, one TOYOTA car remote, two mini-flashlights, and one round white metal religious medallion. (Biohazard-Blood stained)							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
10	E	S01	1	Bullet Jacketing			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187193	<input type="checkbox"/>
DESCRIPTION One small bullet jacketing fragment collected from entrance wound on S01 head.							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
11	E	S01	1	DNA Card			BAR CODE
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187194	<input type="checkbox"/>
DESCRIPTION Sealed envelope containing a DNA blood spot card from the body of S01							
Bar code							

OFFICER'S NAME Leon, Herman	ID NUMBER 1685	DATE 03/21/13 1642	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/18/13 1800	PAGE 3	OF 4
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO. 13-077-0391E	<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"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
12	E	S01	1	Pubic Hair Sample			LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		M/E Office - Body of S01 at autopsy.			0	187195	<input type="checkbox"/>
DESCRIPTION Sealed envelope containing several pulled pubic hairs from the body of S01 .							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
13	E		1	CD Disc			LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		Sheriff's Office 55 W. Younger Ave, San Jose			0	187196	<input type="checkbox"/>
DESCRIPTION Disc containing digital photographs taken by Sgt. Leon 1685 of S01 at Regional Hospital and of evidence items 1-12.							

OFFICER'S NAME Leon, Herman	ID NUMBER 1685	DATE 03/21/13 1642	SHIFT/DAYS OFF Det F-Su	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/18/13 1800	PAGE 4	OF 4
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 SUPPLEMENTAL REPORT:									
2									
3 On 3-18-13, at 2023 hours, I was off duty when Assistant Sheriff									
4 Nuesel called me and requested that I respond to Jerilyn Dr at Athene									
5 Drive, in San Jose, to assist Crime Scene Investigators (CSI) with an									
6 officer involved shooting. I was further advised sometime during the									
7 shooting the suspect had crashed into several San Jose Police									
8 vehicle.									
9									
10 I arrived on scene at 2133 hours. I met with CSI Detective Mah, and									
11 CSI Detective Cortez. They briefed me on how the officer involved									
12 shooting occurred based on the information they were provided. The									
13 suspect that was shot was transported to the hospital where he was									
14 pronounced dead. All the involved San Jose Police officers had left									
15 the scene by the time I arrived. I did not speak to any of the									
16 involved officers.									
17									
18 I decided I would document the scene using a Leica C10 scanner. The									
19 scanner had a built in digital camera for photos. Since the scene was									
20 dark, and the Leica camera did not have a flash, we decided we needed									
21 to bring out additional lights to illuminate the scene. I left the									
22 scene and I responded to Sheriff's Office Headquarters to pick up									
23 lights.									
24									
25 I returned back to the scene at 2240 hours. I set up three lights									
26 along the scene. I placed two lights on the north side of Jerilyn									
27 Drive, and an additional light on the south side of Jerilyn Drive.									
28 CSI Mah set up the CSI van along the western edge of the crime scene.									
29 We used two additional lights that were mounted to the CSI van to									
30 illuminate the western part of the crime scene.									
OFFICER'S NAME Gonzalez, Leonardo		ID NUMBER 1826	DATE 03/19/13 1915	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1827	PAGE 1	OF 4

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 I set up and ran the Leica C10 scanner throughout the crime scene									
3 during electronic mapping. I followed the reference measurement									
4 protocol whereby two independent measurements were taken to a known									
5 distance. This was accomplished using a twin target pole. I used and									
6 scanned the twin target pole a total of six times during the									
7 electronic mapping. I conducted seven station moves in a zigzag									
8 pattern to properly map the crime scene. I placed three round targets									
9 on the north side of Jerilyn Drive. The targets are used for									
10 stitching the seven station moves together to make one large scene.									
11									
12									
13 I obtained all the information that I needed to complete a vehicle									
14 collision report involving the parked vehicles that were hit by the									
15 white Honda Civic. Refer to the collision report under the same event									
16 number for further regarding the area of impacts and skid mark									
17 analysis.									
18									
19 After I completed the electronic mapping I put all the lights away and									
20 returned them to Sheriff's Office Headquarters. I left the crime									
21 scene at 0545 hours.									
22									
23 LEICA SCANNER FOLLOW UP:									
24									
25 On 3-29-13, I transferred all the Leica C10 scanner data into a									
26 computer database. I burned the database to four DVD's. I gave three									
27 DVD's to the assigned homicide detectives, and I booked another DVD									
28 into evidence at the West Valley Sub-Station.									
29									
30 The data contained in the DVD's can be viewed by Leica's software									
OFFICER'S NAME Gonzalez, Leonardo		ID NUMBER 1826	DATE 03/19/13 1915	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1827	PAGE 2	OF 4

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 called TruView. The original data file will be stored on a designated
2 computer at the Sheriff's Office.
3
4 EVIDENCE:
5
6 I packaged and booked the Leica TruView DVD into evidence at the West
7 Valley Sub-Station.
8
9 PLEOs
10 Deputy L. Gonzalez 1826 is Supplemental Report/ Traffic Collision
11 Report

OFFICER'S NAME Gonzalez, Leonardo	ID NUMBER 1826	DATE 03/19/13 1915	SHIFT/DAYS OFF 2 SSM	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 04/15/13 1827	PAGE 3	OF 4
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL <h1 style="margin:0;">PROPERTY</h1>	CASE NO. <h2 style="margin:0;">13-077-0391E</h2>	<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 Leo 1826 Santa Clara County Sheriff's Office	<input type="checkbox"/> STATE OF CA.	Res: 55 W. Younger Ave, San Jose CA 95110 RPh: (408) 868-6615 BPh: (408) 868-6615 Bus: 55 W. Younger Ave, San Jose CA 95110	<h2 style="margin:0;">Office of the Sheriff</h2> <h3 style="margin:0;">Santa Clara County</h3> 55 West Younger Avenue San Jose CA 95110 (408) 808-4500
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION
1	E	F01	1	DVD	Memorex	DVD+R	BAR CODE
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	Bar code
None		1601 S. De Anza Blvd, Cupertino CA 95014			0	187397	
DESCRIPTION One DVD containing the Leica C10 data that was published to TruView.							

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 DAT	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME	ADDRESS	CITY	DATE
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<input type="checkbox"/> DESTROY THE FOLLOWING ITEM(S)#	AUTHORITY FOR DESTRUCTION	WITNESSED BY
		AND

<input type="checkbox"/> AUCTION THE FOLLOWING ITEM(S)#	AUTHORITY FOR AUCTION	CASE STATUS
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<input type="checkbox"/> RELEASE TO:	NAME	ADDRESS	CITY
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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
Gonzalez, Leonardo	1826	03/19/13 1915	2 SSM	Rodriguez, Daniel	1659	04/15/13 1827	4	4

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 SUPPLEMENTAL CSI REPORT:									
2									
3 INVESTIGATION:									
4									
5 I am currently assigned as a Sheriff's Enforcement at the Elmwood									
6 Correctional in Milpitas. During my assignment in the Investigation									
7 Services Division I was assigned to the Crime Scene Investigation									
8 (CSI) Team for approximately 18 months.									
9									
10 On 03-18-2013, at approximately 2055 hours, I received a phone call									
11 from Sgt. Leon #1685 on my personal cell phone. Sgt. Leon told me									
12 there was an officer involved shooting on the eastside of San Jose.									
13 Sgt. Leon told me a San Jose Police Officer was involved in the									
14 shooting, but did not know his name. Sgt. Leon asked if I could									
15 assist with the photography of the involved officers as well as									
16 evidence collection. I told Sgt. Leon I would be able to assist him									
17 I would be able to assist.									
18									
19 Sgt. Leon further told me to report to Sheriff's Office Headquarters									
20 to take photos of the involved San Jose Police Officer as well as the									
21 other San Jose Police Officers who were on scene at the incident.									
22									
23 I arrived at Sheriff's Office Headquarters at approximately 2145									
24 hours, and proceeded to the Investigations Division. I met with Agt.									
25 Owens who told me that one San Jose Police Officer was involved in a									
26 shooting on Jerilyn Drive on the eastside of San Jose which is part									
27 of the unincorporated area of San Jose. Sgt. Owens further told me									
28 there were 6 other San Jose Police Officers that were present at the									
29 scene but were not involved.									
30									
OFFICER'S NAME Fisher, Sanford		ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 1	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 At approximately 2205 hours, I met with Sgt. Leon who provided me a									
2 camera from the CSI Van so that I could begin my photos.									
3									
4 At approximately 2220 hours, I entered the CSI Evidence Processing									
5 Room located in the Investigations Division and prepared it for									
6 processing photos and evidence.									
7									
8 At approximately 2225 hours, I escorted SJPD Officer Barthelemy #4066									
9 to the CSI Evidence Processing Room and begun the evidence									
10 documentation and collection of his equipment.									
11									
12 I observed Officer Barthelemy was wearing a black San Jose Police									
13 approved "Tactical" type vest. Officer Barthelemy's "Tactical" vest									
14 was black and had the words "Police" on the front in white block									
15 lettering as well as a white star with the words "San Jose Police" in									
16 dark lettering, both of these items were clearly visible from the									
17 front. The back of Officer Barthelemy's "Tactical" vest had the word									
18 "Police" in large block letters which were visible and unobstructed.									
19									
20									
21 I observed Officer Barthelemy was wearing blue jeans and a brown									
22 t-shirt. Officer Barthelemy was wearing the official San Jose Police									
23 Department badge on his belt to the right of his mid section. The									
24 badge was a seven pointed Silver Star with the words "San Jose Police									
25 Officer" in blue writing on the front.									
26									
27 Officer Barthelemy was carrying a Glock model 21 which was a 45									
28 caliber handgun on his right side as well as an extra magazine in his									
29 back pocket. Officer Barthelemy had a portable radio on the front of									
30 his "Tactical" vest.									
OFFICER'S NAME Fisher, Sanford		ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 2	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1								
2 Officer Barthelemy's uniform and gear was clean and in good condition.								
3								
4								
5 At approximately 2230 hours, I began taking photos of Officer								
6 Barthelemy and of his equipment.								
7								
8 PHOTO LOG OF SJPD OFFICER BARTHELEMY:								
9								
10 DSC_0001-DSC_0003: Front images of Officer Barthelemy wearing the								
11 approved attire and duty gear for the San Jose Police Department								
12 Metro Team.								
13								
14 DSC_0004: Right image of Officer Barthelemy wearing the approved								
15 attire and duty gear for the San Jose Police Department Metro Team.								
16								
17 DSC_0005: Left image of Officer Barthelemy wearing the approved								
18 attire and duty gear for the San Jose Police Department Metro Team.								
19								
20 DSC_0006-DSC_0007: Back images of Officer Barthelemy wearing the								
21 approved attire and duty gear for the San Jose Police Department								
22 Metro Team.								
23								
24 DSC_0008: Front image of Officer Barthelemy wearing the official San								
25 Jose Police Department badge near his firearm on his right side.								
26								
27 DSC_0009: Image of Officer Barthelemy's hands in front of his								
28 chest.								
29								
30 DSC_0010: Image of Officer Barthelemy's palms in front of his chest								
OFFICER'S NAME Fisher, Sanford	ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 3	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 area.								
2								
3 INVESTIGATION CONTINUED:								
4								
5 At approximately 2235 hours, I took possession of Officer Barthelemy's								
6 extra magazine I observed 13 rounds in the magazine. At								
7 approximately 2236 hours, Officer Barthelemy removed the magazine								
8 from the magazine well of his firearm and handed it to me. I								
9 observed 12 rounds in the magazine.								
10								
11 At approximately 2237 hours, Officer Barthelemy made his firearm safe								
12 and handed me a 45 caliber "Federal" round which was in the chamber								
13 of his firearm.								
14								
15 At approximately 2239 hours, I took possession of Officer Barthelemy's								
16 San Jose Police Department approved 45 Caliber Glock handgun Model 21								
17 serial # TPC131. I inspected Officer Barthelemy's handgun and								
18 noticed it did not have any noticeable modifications made to it. The								
19 firearm appeared to be in good condition.								
20								
21 At approximately 2245 hours, I concluded my interaction with Officer								
22 Barthelemy.								
23								
24 At approximately 2246 hours, I secured Officer Barthelemy's handgun,								
25 magazines, and ammunition in the CSI Evidence Processing Room.								
26								
27								
28 At approximately 2252 hours, I escorted San Jose Police Officer Plares								
29 #4008 to the CSI Evidence Processing Room and began the photo								
30 documentation.								
OFFICER'S NAME Fisher, Sanford	ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 4	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1									
2 I observed Officer Plares was wearing a black San Jose Police approved									
3 "Tactical" type vest. Officer Plares' "Tactical" vest was black and									
4 had the words "Police" on the front in white block lettering as well									
5 as a white star with the words "San Jose Police" in dark lettering,									
6 both of these items were clearly visible from the front. The back of									
7 Officer Plares' "Tactical" vest had the word "Police" in large block									
8 letters which were visible and unobstructed.									
9									
10 I observed Officer Plares was wearing the official San Jose Police									
11 Department badge to the front of his "Tactical" vest. The badge was									
12 connected to a badge holder which hangs around his neck. The badge									
13 was a seven pointed Silver Star with the words "San Jose Police									
14 Officer" in blue letters. Officer Plares' badge was clearly visible									
15 and unobstructed to the front of his vest.									
16									
17 Officer Plares was wearing blue jeans and a grey t-shirt.									
18									
19 At approximately 2254 hours, I began taking photos of Officer									
20 Plares.									
21									
22 PHOTO LOG OF SJPD OFFICER PLARES:									
23									
24 DSC_0011-DSC-0012: Front images of Officer Plares wearing the									
25 approved attire and duty gear for the San Jose Police Department									
26 Metro Team.									
27									
28 DSC_0013: Left image of Officer Plares wearing the approved attire									
29 and duty gear for the San Jose Police Department Metro Team.									
30									
OFFICER'S NAME Fisher, Sanford		ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 5	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 DSC_0014: Right image of Officer Plares wearing the approved attire 2 and duty gear for the San Jose Police Department Metro Team. 3 4 DSC_0015: Back image of Officer Plares wearing the approved attire 5 and duty gear for the San Jose Police Department Metro Team. 6 7 DSC_0016: Image of Officer Plares' hands in front of his chest. 8 9 DSC_0017: Image of Officer Plares' palms in front of his chest area. 10 11 12 DSC_0018: Image of Officer Plare's badge in front of his "Tactical" 13 vest. 14 15 INVESTIGATION CONTINUED: 16 17 At approximately 2300 hours, I concluded my interaction with Officer 18 Plares. 19 20 At approximately 2302 hours, I escorted San Jose Police Officer Cossey 21 #4065 to the CSI Evidence Processing Room and began the photo 22 documentation. 23 24 I observed Officer Cossey was wearing a black San Jose Police approved 25 "Tactical" type vest. Officer Cossey's "Tactical" vest was black and 26 had a white star with the words "San Jose Police" in dark lettering 27 the badge was clearly visible from the front. The back of 28 Officer Cossey's "Tactical" vest had the word "Police" in large block 29 letters which were visible and unobstructed. Officer Cossey was 30 wearing a black and grey baseball hat with the words "San Jose Metro"									
OFFICER'S NAME Fisher, Sanford		ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 6	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 on the front.									
2									
3 I observed Officer Cossey wearing blue jeans and a black t-shirt.									
4									
5 At approximately 2304 hours, I began taking photos of Officer Cossey									
6 and of his equipment.									
7									
8 PHOTO LOG OF SJPD OFFICER COSSEY:									
9									
10 DSC_0019-DSC-0021: Front images of Officer Cossey wearing the									
11 approved attire and duty gear for the San Jose Police Department									
12 Metro Team.									
13									
14 DSC_0022: Right image of Officer Cossey wearing the approved attire									
15 and duty gear for the San Jose Police Department Metro Team.									
16									
17 DSC_0023: Back image of Officer Cossey wearing the approved attire									
18 and duty gear for the San Jose Police Department Metro Team.									
19									
20 DSC_0024: Left image of Officer Cossey wearing the approved attire									
21 and duty gear for the San Jose Police Department Metro Team.									
22									
23 DSC_0025: Image of Officer Cossey's in front of his chest.									
24									
25 DSC_0026: Image of Officer Cossey's palms in front of his chest									
26 area.									
27									
28 INVESTIGATION CONTINUED:									
29									
30 At approximately 2310 hours, I concluded my interaction with Officer									
OFFICER'S NAME Fisher, Sanford		ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 7	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E				
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 Cossey.								
2								
3 At approximately 2311 hours, I escorted San Jose Police Officer DeLa								
4 Cruz #3341.								
5								
6 I observed Officer DeLa Cruz was wearing blue jeans and a black San								
7 Jose Police Department wind breaker. The wind breaker had the words								
8 Police, Y. DeLa Cruz #3341 on the left front area. The wind breaker								
9 had a white and black star on the right die that said San Jose Police								
10 Officer on it. The back of the wind breaker said San Jose Police in								
11 large block letters. The markings on the wind breaker were clear and								
12 unobstructed.								
13								
14 I observed Officer DeLa Cruz was wearing the official San Jose Police								
15 Department badge to the front of her wind breaker. The badge was								
16 connected to a badge holder which hangs around her neck. The badge								
17 was a seven pointed Silver Star with the words San Jose Police								
18 Officer in blue letters. Officer DeLa Cruz's badge was clearly								
19 visible and unobstructed.								
20								
21 Officer DeLa Cruz was wearing blue jeans.								
22								
23 At approximately 2313 hours, I began taking photos of Officer DeLa								
24 Cruz and of her equipment.								
25								
26 PHOTO LOG OF SJPD OFFICER DELA CRUZ:								
27								
28 DSC_0027-DSC-0028: Front images of Officer DeLa Cruz wearing the								
29 approved attire and duty gear for the San Jose Police Department								
30 Metro Team.								
OFFICER'S NAME Fisher, Sanford	ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 8	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 DSC_0029: Right image of Officer DeLa Cruz wearing the approved									
3 attire and duty gear for the San Jose Police Department Metro Team.									
4									
5 DSC_0030: Back image of Officer DeLa Cruz wearing the approved attire									
6 and duty gear for the San Jose Police Department Metro Team.									
7									
8 DSC_0031: Left image of Officer DeLa Cruz wearing the approved attire									
9 and duty gear for the San Jose Police Department Metro Team.									
10									
11 INVESTIGATION CONTINUED:									
12									
13 At approximately 2319 hours, I concluded my interaction with Officer									
14 DeLa Cruz.									
15									
16 At approximately 2320 hours, I escorted SJPD Officer White #4104 to									
17 the CSI Evidence Processing Room and began the photo documentation.									
18									
19									
20 I observed Officer White was wearing blue jeans and a black t-shirt									
21 with the words PAAF in teal and whit writing on the front and on the									
22 back.									
23									
24 I observed Officer White was wearing the official San Jose Police									
25 Department badge to the front of his t-shirt. The badge was connected									
26 to a badge holder which hangs around his neck. The badge was a seven									
27 pointed Silver Star with the words San Jose Police Officer in blue									
28 letters. Officer White's badge was clearly visible and unobstructed.									
29									
30									
OFFICER'S NAME Fisher, Sanford		ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 9	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 At approximately 2321 hours, I began taking photos of Officer White									
2 and of his equipment.									
3									
4 PHOTO LOG OF SJPD OFFICER WHITE:									
5									
6 DSC_0032-DSC-0034: Front images of Officer White wearing the approved									
7 attire and duty gear for the San Jose Police Department Metro Team.									
8									
9 DSC_0035: Right image of Officer White wearing the approved attire									
10 and duty gear for the San Jose Police Department Metro Team.									
11									
12 DSC_0036: Back image of Officer White wearing the approved attire and									
13 duty gear for the San Jose Police Department Metro Team.									
14									
15 DSC_0037: Left image of Officer White wearing the approved attire and									
16 duty gear for the San Jose Police Department Metro Team.									
17									
18 DSC_0038: Image of Officer White's hands in front of his chest.									
19									
20 DSC_0039: Image of Officer White's palms in front of his chest									
21 area.									
22									
23 INVESTIGATION CONTINUED:									
24									
25 At approximately 2326 hours, I concluded my interaction with Officer									
26 White.									
27									
28 At approximately 2327 Hours, I escorted Sgt. M. Archer #3096 to the									
29 CSI Evidence Processing Room.									
30									
OFFICER'S NAME Fisher, Sanford		ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 10	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 I observed Sgt. Archer was wearing the official San Jose Police
2 Department Class "B" utility uniform. Sgt. Archer's uniform had a
3 blue and yellow San Jose Police patch on each shoulder. Sgt, Archer
4 had his name embroidered on the left breast pocket area. Sgt. Archer
5 had a white cloth badge which said San Jose Police on it in dark
6 lettering.
7
8 Sgt. Archer's uniform and gear was clean and in good condition.
9
10 At approximately 2328 hours, I began taking photos of Sgt. Archer and
11 of his equipment.
12
13 PHOTO LOG OF SJPD SGT. ARCHER:
14
15 DSC_0040: Front image of Sgt. Archer wearing the official Class "B"
16 San Jose Police Department Metro uniform. .
17
18 DSC_0041: Left image of Sgt. Archer wearing the official Class "B"
19 San Jose Police Department Metro uniform. .
20
21 DSC_0042: Back image of Sgt. Archer wearing the official Class "B"
22 San Jose Police Department Metro uniform.
23
24 DSC_0043: Right image of Sgt. Archer wearing the official Class "B"
25 San Jose Police Department Metro uniform.
26
27 DSC_0044: Image of Sgt. Archer's hands in front of his chest.
28
29 DSC_0045: Image of Sgt. Archer's palms in front of his chest area.
30

OFFICER'S NAME Fisher, Sanford	ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 11	OF 17
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 INVESTIGATION CONTINUED:									
2									
3 At approximately 2335 hours, I concluded my interaction with Sgt.									
4 Archer.									
5									
6 At approximately 2336 hours, I escorted San Jose Police Officer									
7 Pifferini #3697 to the CSI Evidence Processing Room.									
8									
9 I observed Officer Pifferini wearing blue jeans and a black t-shirt									
10 with yellow writing on it.									
11									
12 I observed Officer Pifferini was wearing the official San Jose Police									
13 Department badge to the front of his t-shirt. The badge was connected									
14 to a badge holder which hangs around his neck. The badge was a seven									
15 pointed Silver Star with the words San Jose Police Officer in blue									
16 letters. Officer Pifferini's badge was clearly visible and									
17 unobstructed.									
18									
19 At approximately 2340 hours, I began taking photos of Officer									
20 Pifferini.									
21									
22 PHOTO LOG OF SJPD OFFICER PIFFERINI:									
23									
24 DSC_0046-DSC_0047: Front images of Officer Pifferini wearing the									
25 approved attire and duty gear for the San Jose Police Department									
26 Metro Team.									
27									
28 DSC_0048: Right image of Officer Pifferini wearing the approved									
29 attire and duty gear for the San Jose Police Department Metro Team									
30									
OFFICER'S NAME Fisher, Sanford		ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 12	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1 DSC_0049: Left image of Officer Pifferini wearing the approved attire</p> <p>2 and duty gear for the San Jose Police department Metro Team.</p> <p>3</p> <p>4 DSC_0050: Back image of Officer Pifferini wearing the approved attire</p> <p>5 and duty gear for the San Jose Police Department Metro Team.</p> <p>6</p> <p>7 DSC_0051: Image of Officer Pifferini's hands in front of his chest.</p> <p>8</p> <p>9 DSC_0052: Image of Officer Pifferini's palms in front of his chest</p> <p>10 area.</p> <p>11</p> <p>12 INVESTIGATION CONTINUED:</p> <p>13</p> <p>14 At approximately 2350 hours, I concluded my interaction with Officer</p> <p>15 Pifferini</p> <p>16</p> <p>17 At approximately 2355 hours, I exited and secured the CSI Evidence</p> <p>18 Processing Room.</p> <p>19</p> <p>20 At approximately 0000 hours, I responded to the scene to assist CSI</p> <p>21 Detective Cortez collect evidence and process the scene. AT</p> <p>22 approximately 0015 hours, I arrived on scene.</p> <p>23</p> <p>24 I assisted CSI Detective Cortez and Deputy L. Gonzalez conduct a laser</p> <p>25 scan of the scene as well as take measurements of the different</p> <p>26 evidence items.</p> <p>27</p> <p>28 At approximately 0420 hours, I exited the scene and responded to</p> <p>29 Sheriff's Office Headquarters. At approximately 0430 hours, I went</p> <p>30 off duty and concluded my CSI duties for the day.</p>									
OFFICER'S NAME Fisher, Sanford		ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 13	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 TUESDAY 03-19-2013:									
3									
4 At approximately 1300 hours, I arrived at Sheriff's Office									
5 Headquarters to process, package and photograph the items I collected									
6 from Officer Barthelemy.									
7									
8 At approximately 1330 hours, I entered the CSI Evidence Processing									
9 Room.									
10									
11 I took the following evidence photos.									
12									
13 PHOTO LOG OF EVIDENCE ITEMS COLLECTED FROM OFFICER BARTHELEMY:									
14									
15 DSC_0053-DSC_0055: Images of a Glock 13 round magazine containing 13									
16 rounds, which was later booked as evidence item #1									
17									
18 DSC_0056-DSC_0057: Images of a Glock 13 round magazine containing									
19 approximately 12 rounds, which was later booked as evidence item #2									
20									
21 DSC_0058-DSC_0060: Images of a 45 caliber round from the chamber of									
22 Officer Barthelemy's firearm, which was later booked as evidence item									
23 #3.									
24									
25 DSC_0061-DSC_0066: Images of Officers Barthelemy's Glock model 21									
26 firearm serial #TPC131, which was later, booked as evidence item									
27 #4.									
28									
29 DSC_0067-DSC_0071: Images of Officer Barthelemy's "Blackhawk" brand									
30 holster, which was later, booked as evidence item #5.									
OFFICER'S NAME Fisher, Sanford		ID NUMBER 1915	DATE 03/19/13 1514	SHIFT/DAYS OFF C WTF	SUPERVISORS REVIEW Rodriguez, Daniel	ID NUMBER 1659	DATE 03/22/13 948	PAGE 14	OF 17

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	13-077-0391E	<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; text-align: center;">Office of the Sheriff Santa Clara County</p> <p style="text-align: center;">55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
1	E		1	45 Caliber Magazine	Glock	45 Caliber 13 rd		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		From SJPD Officer Barthelemy			0	186801		<input checked="" type="checkbox"/>
DESCRIPTION 1 Black 13 round Glock 45 caliber magazine containing approximately 13 rounds.								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
2	E		1	45 Caliber Magazine	Glock	45 caliber 13 rd		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		From SJPD Officer Barthelemy's duty weapon			0	186802		<input checked="" type="checkbox"/>
DESCRIPTION 1 Black 13 round Glock 45 caliber magazine containing approximately 12 rounds from the magazine well of SJPD Officer Barthelemy's duty weapon..								

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code	
3	E		1	45 Caliber Round	Federal	Federal 45 Cal		
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE		PROCESS EVIDENCE
		From the chamber of SJPD Officer Barthelemy's duty weapon			0	186803		<input type="checkbox"/>
DESCRIPTION 1 Federal 45 caliber round recovered from the barrel of SJPD Officer Barthelemy's Glock 45 Caliber model 21 SN#TPC131.								

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

WHO HAS BEEN NOTIFIED ON THE FOLLOING DAT	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
--	------	---------	------	------

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

RELEASE TO:	<input type="checkbox"/> 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
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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
Fisher, Sanford	1915	03/19/13 1514	C WTF	Rodriguez, Daniel	1659	03/22/13 948	16	17

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
4	E		1	Glock	Handgun	Model 21	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
TPC131		From SJPD Officer Barthelemy			0	186804	<input checked="" type="checkbox"/>
DESCRIPTION SJPD Officer Barthelemy's Glock 45 Caliber model 21 SN#TPC131 duty weapon.							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
5	E		1	Blackhawk	Holster	Holster	LOCATION BAR CODE Bar code
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
		From SJPD Officer Barthelemy			0	186805	<input checked="" type="checkbox"/>
DESCRIPTION Black hard plastic material Blackhawk duty holster.							

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County ADDITIONAL PARTIES		CASE NO. 13-077-0391E				
		"V" = VICTIM		'R" = REPORTING PARTY		"W" = WITNESS		"O" = OTHER		
W04	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			<input type="checkbox"/> STATE OF CA.	RACE	M F	DOB	AGE	HT	WT
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____						
ADDRESS			CITY/STATE	ZIP	PHONE		DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE		SSN			

OFFICER'S NAME Abuel, Jacob	ID NUMBER 1946	DATE 03/19/13 1058	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1204	PAGE 1	OF 5
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **SUPPLEMENTAL REPORT**

2

3 **INVESTIGATION:**

4

5 **On 03/19/2013 at approximately 0830 hours, Sergeant N. Davis # 1751**

6 **asked me to make contact with W01** **regarding an**

7 **officer involved shooting incident that occurred on 03/18/2013. I**

8 **made contact with W01** **at** **in San Jose.**

9 **W01** **provided me with the following statement:**

10

11 **STATEMENT OF WITNESS 1** **:**

12

13 **W01** **told me that his granddaughter, Witness 04**

14 **took several photos of the SJPD officer involved shooting**

15 **that occurred on 03/18/2013. W01** **said that W04** **used**

16 **her cell phone to take the photos. W04** **left for school and**

17 **will not be home until 1700 hours today.**

18

19

20

21

22 **W01** **did not provide me with any further statement.**

23

24 **INVESTIGATION CONTINUED:**

25

26

27 **W04** **provided me with the following**

28 **statement:**

29

30 **STATEMENTS OF WITNESS 04** **:**

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 W04 resides at in San Jose.									
3									
4 On 03/18/2013 at approximately 1800 hours, W04 was inside her									
5 residence watching television. W04 heard car crashed followed									
6 by a sound of gun shot outside. W04 saw her grandmother									
7 yelling at W01 to come inside the house.									
8									
9 W04 grandmother asked her to go outside the house and tell W01									
10 to come in. W04 went outside and saw what had just									
11 happened. W04 took out her iPhone and took photographs of the									
12 scene.									
13									
14 W04 said she did not share the photographs to anyone.									
15									
16 W04 provided me with her iPhone and showed me the photographs.									
17 W04 said that she can email me the photos because she needs									
18 her phone.									
19									
20 INVESTIGATION CONTINUED:									
21									
22 I had W04 e-mail me the photographs using my work and personal									
23 e-mail addresses. I had her e-mail it to my personal email just in									
24 case I was unable to transfer the photographs from my work email.									
25									
26 I was able to copy the photographs using my personal e-mail address.									
27 After copying the photographs, I deleted them from my e-mail.									
28									
29 PHOTOGRPAHS:									
30									
OFFICER'S NAME Abuel, Jacob		ID NUMBER 1946	DATE 03/19/13 1058	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1204	PAGE 3	OF 5

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted Murder <> 10851(a) VC [F]
Recovered Stolen Vehicle <> 496D(a) PC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE NO. **13-077-0391E**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Jerilyn Drive @ Athene Drive / San Jose / 95127

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

1 I copied the photographs into two Compact Discs. I submitted one CD as
2 an attachment to the Detectives Unit and booked one CD as evidence
3 into the evidence room at Sheriff's Headquarters.
4
5 P.L.E.O
6
7 Deputy J. Abuel #1946 Supplemental Report

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Abuel, Jacob	1946	03/19/13 1058	II SSM	Davis, Nellie	1751	03/19/13 1204	4	5

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL <h1 style="margin:0;">PROPERTY</h1>	CASE NO. <h2 style="margin:0;">13-077-0391E</h2>	<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	<input type="checkbox"/> STATE OF CA.	Res: RPh: Bus:	BPh:	<h2 style="margin:0;">Office of the Sheriff</h2> <h3 style="margin:0;">Santa Clara County</h3> 55 West Younger Avenue San Jose CA 95110 (408) 808-4500
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PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
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ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	<h2 style="margin:0;">LOCATION</h2> <h2 style="margin:0;">BAR CODE</h2> <h3 style="margin:0;">Bar code</h3>	
1	E	W04	1	Compact Disc				
SERIAL NUMBER		LOCAT	CTED		VALUE	LOC CODE		PROCESS EVIDENCE
		W04	cell phone		0	186749		<input type="checkbox"/>
DESCRIPTION Photos of the crime scene on W04 cell phone.								

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 FOLLOING DAT	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
--	---------------------------------------

<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 FOLLOING DATE	BY OFFICER	TO PICK UP THE FOLLOWING ITEM	AUTHORITY FOR RELEASE	CASE STATUS
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STAFF OFFICER'S APPROVAL	APPROVAL DATE	RELEASED BY	DATE/TIME RELEASED
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I ACKNOWLEDGE RECEIPT OF THE ABOVE SPECIFIED ITEMS	NAME ADDRESS CITY DATE
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Abuel, Jacob	1946	03/19/13 1058	II SSM	Davis, Nellie	1751	03/19/13 1204	5	5

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1 SUPPLEMENTAL									
2									
3 On 3-18-2013 at 1845 hours, I responded to a report of a shooting									
4 possibly involving a San Jose P.D. officer at at									
5 Athene Drive.									
6									
7 At approximately 1900 hours, I arrived on-scene.									
8									
9 Upon arrival, I discovered a SJPD officer had been involved in a fatal									
10 shooting of a suspect who had attempted to strike him with his									
11 vehicle while attempting to flee the scene of a high risk car stop.									
12 The location of the shooting was within Santa Clara County									
13 jurisdiction.									
14									
15 Lt. Vasquez contacted Captain Sung who responded to the scene. The									
16 Sheriff's Office assumed primary investigation of the incident.									
17									
18 San Jose PD had established both inner and outer perimeter prior to									
19 our arrival. As Sheriff's Office personnel arrived, I assigned each									
20 to specific locations. Deputy Mitre assumed the Scribe duties from a									
21 SJPD officer. I also assigned the crime report to Deputy Mitre and									
22 his field training officer, Deputy Munoz (See Deputy Mitre's crime									
23 report).									
24									
25 I established the Incident Command on Jerilyn at Athene. Sgt.									
26 Oberdorfer assumed IC command.									
27									
28 The Sheriff's Office Homicide Investigators and Crime Scene Unit									
29 responded to the scene (See supplemental reports for additional									
30 information).									
OFFICER'S NAME Richmond, Michael		ID NUMBER 2006	DATE 03/19/13 721	SHIFT/DAYS OFF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 741	PAGE 1	OF 2

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1
2 (See supplemental reports from deputies assigned to the event.)
3
4 PLEO
5
6 Sgt. Richmond #2006 Scene/ Supplemental

OFFICER'S NAME Richmond, Michael	ID NUMBER 2006	DATE 03/19/13 721	SHIFT/DAYS OFF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 741	PAGE 2	OF 2
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E	
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))			
1 ATTACHMENT:							
2							
3 Two Cd;s of digital photographs							
4							
5 SUPPLEMENTAL REPORT:							
6							
7 On 03-18-13 at approximately 1920 hours, I was dispatched to							
8 in San Jose to assist with an Officer involved							
9 shooting. (SJPD case #13-07709639)							
10							
11 At approximately 1935 hours, I arrived on scene and relieved San Jose							
12 Police Officer R. Ferguson #3921. Officer Ferguson had been assigned							
13 to stand by a single shell casing until the Detective Bureau arrived							
14 on scene. I took custody of the shell casing.							
15							
16 At approximately 2000 hours, Reserve Deputy Stephens #9318 arrived on							
17 scene and relieved me. Deputy Stephens stayed with the shell casing							
18 until CSI arrived on scene. Please see CSI reports for details							
19 regarding the collection of the casing.							
20							
21 Shortly after I was relieved, I was assigned to photograph and							
22 document all of the vehicles inside the inner perimeter. The							
23 following is a list of all the vehicles parked on the road and in							
24 driveways of houses inside the perimeter.							
25							
26 PHOTO LOG:							
27							
28 I photographed all of the following vehicles on my department issued							
29 camera.							
30							
OFFICER'S NAME Barker, Barton	ID NUMBER 2093	DATE 03/19/13 719	SHIFT/DAYS OFF C TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1107	PAGE OF 1 4

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

- | | | |
|----|------------------------------|----------------------------------|
| 1 | 1. Green Chevy truck, | , parked on the road in front of |
| 2 | | |
| 3 | 2. Red Honda Accord, | , parked in the driveway of |
| 4 | | |
| 5 | 3. Silver Hyndai Leganza, | parked in the driveway of |
| 6 | | |
| 7 | 4. Black Ford truck, | , parked on the road in front of |
| 8 | | |
| 9 | 5. Green Honda Civic. | , parked in the driveway of |
| 10 | | |
| 11 | 6. White Honda Civic, | , parked in the driveway of |
| 12 | | |
| 13 | 7. Green Honda Civic, | , parked in the driveway of |
| 14 | | |
| 15 | 8. Green Honda Civic, | , parked in the driveway of |
| 16 | | |
| 17 | 9. Green Nissan Quest, | , parked on the road in front of |
| 18 | | |
| 19 | 10. Grey Honda Odyssey, | , parked on the road in front of |
| 20 | . | |
| 21 | 11. Grey Honda Odyssey, | , parked on the road in front of |
| 22 | . | |
| 23 | 12. Red Honda Accord, | , parked in the driveway of |
| 24 | | |
| 25 | 13. Red Honda Civic, | , parked in the driveway of |
| 26 | . | |
| 27 | 14. Black Ford F-150, | , parked on the road in front of |
| 28 | | |
| 29 | 15. White Cadillac Escalade, | , parked in the driveway of |
| 30 | | |

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 16. White Chevy step van, , parked in the driveway of

2

3 17. Black Lexus RX300, , parked in the driveway of

4

5 18. White Kia Sorento, , parked on the road in front of

6

7 19. Green Jeep Grand Cherokee, , parked on the road in

8

9 20. Silver Nissan Frontier, , parked on the road in front

10

11 21. Black GMC Yukon, , parked in the driveway of

12

13 22. Green Dodge Durango, parked in front of

14 23. White Honda Civic, Suspect vehicle, in the road in

15 front of

16 24. Grey Ford Truck, , parked in the road in front of

17

18 25. Black Kia Serona, , parked on the road in front of

19

20 26. Silver Kia Optima, parked in the driveway of

21

22 27. Grey Buick sedan, , parked in the driveway of

23

24 28. White Toyota truck, , parked on the road west of

25

26

27 I later submitted two CD's containing the photographs into the

28 Detective's tray at Headquarters.

29

30 PLEO:

OFFICER'S NAME Barker, Barton	ID NUMBER 2093	DATE 03/19/13 719	SHIFT/DAYS OFF C TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1107	PAGE 3	OF 4
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REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted Murder <> 10851(a) VC [F]
Recovered Stolen Vehicle <> 496D(a) PC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE NO. **13-077-0391E**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Jerilyn Drive @ Athene Drive / San Jose / 95127

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

1

2 Deputy B. Barker #2093, Supplemental Report

3 Deputy V. Mitre #2160, Original Report

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Barker, Barton	2093	03/19/13 719	C TWTF	Davis, Nellie	1751	03/19/13 1107	4	4

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County ADDITIONAL PARTIES		CASE NO. 13-077-0391E						
"V" = VICTIM		"R" = REPORTING PARTY		"W" = WITNESS		"O" = OTHER				
W01	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			<input type="checkbox"/> STATE OF CA.	RACE	M F	DOB	AGE	HT	WT
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____						
ADDRESS			CITY/STATE	ZIP	PHONE		DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT										

OFFICER'S NAME Somerville, Steven	ID NUMBER 2124	DATE 03/19/13 425	SHIFT/DAYS OFF C T-F	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/31/13 1823	PAGE 1	OF 8
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 Supplemental Investigation:

2

3 On 03/18/2013 at approximately 1846 hours, I was assigned to patrol
4 the unincorporated area of east San Jose. I responded to

5 , in the unincorporated area of San Jose, for an officer
6 involved shooting involving the San Jose Police Department (SJPD).

7 Refer to SJPD report for further details (Case #13-077-0639).

8

9 At approximately 1849 hours, I arrived at the above location and
10 assisted SJPD with crowd control at the intersection of Jerilyn Drive
11 and Emerick Avenue.

12

13 At approximately 1946 hours, I met with SJPD Officer Lavos at the
14 intersection of Jerilyn Drive and Athene Drive. I relieved Officer
15 Lavos and took control of the crime scene log.

16

17 At approximately 1950 hours, I was relieved of the crime scene log by
18 Deputy Mitre.

19

20 I made contact with a white male adult, verbally identified as

21 (W01), in front of in San

22 Jose. W01 told me the following:

23

24 STATEMENT OF WITNESS #01 :

25

26 W01 lives at with his wife,
27 , and granddaughter, . W01 his wife
28 and granddaughter were at home all day.

29

30 At approximately 1830 hours, W01 was sitting inside his

OFFICER'S NAME Somerville, Steven	ID NUMBER 2124	DATE 03/19/13 425	SHIFT/DAYS OFF C T-F	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/31/13 1823	PAGE 2	OF 8
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
<p>1 garage with the garage door propped open. He heard the sound of</p> <p>2 multiple police sirens and they sounded relatively close to his</p> <p>3 residence. He looked outside his garage and he saw a white Honda</p> <p>4 Civic being chased by three to four cars with red and blue lights.</p> <p>5 W01 saw what he described as two ¿Mexican¿ guys in the</p> <p>6 front driver and passenger seat of the white Honda.</p> <p>7</p> <p>8 W01 stated the whole incident took place so quickly and he</p> <p>9 did not know what was going on. W01 commented that, at one</p> <p>10 point it, looked like the white Honda was chasing the other cars.</p> <p>11</p> <p>12 W01 heard a loud crash and saw the unmarked grey sedan rear</p> <p>13 end the unmarked white sport utility vehicle (SUV). W01</p> <p>14 heard another loud crash as he saw the white Honda reverse into a</p> <p>15 parked black mini van. W01 saw multiple police officers</p> <p>16 wearing police vests pointing their guns at the white Honda. W01</p> <p>17 heard one of the police officer shout, ¿Stop! Stop!¿</p> <p>18</p> <p>19 The White Honda reversed and flipped around now facing eastbound on</p> <p>20 Jerilyn Drive. The Police officers chased the White Honda eastbound</p> <p>21 on foot on Jerilyn Drive out of his view. W01 heard one of</p> <p>22 the officers again shout, ¿Stop Stop,¿ as he heard three to four gun</p> <p>23 shots. The officers and Honda were too far away from W01</p> <p>24 house and he did not see anything further.</p> <p>25</p> <p>26</p> <p>27 W01 did not see a muzzle flash and would</p> <p>28 not be able to identify anyone who discharged a firearm. W01</p> <p>29 did not have any additional information to provide.</p> <p>30</p>									
OFFICER'S NAME Somerville, Steven		ID NUMBER 2124	DATE 03/19/13 425	SHIFT/DAYS OFF C T-F	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/31/13 1823	PAGE 3	OF 8

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
--	---

1 SUPPLEMENTAL INVESTIGATION CONTINUED:

2

3 I was instructed by Sgt. Richmond to assist with canvassing the

4 surrounding neighborhood for potential witnesses. I made contact with

5 several houses on the north side of Jerilyn Drive between Athene

6 Drive and Emerick Avenue. I obtained the following statements:

7

8

9

10

11 At approximately 1830 hours, _____ was in the living room of

12 the residence, talking on the phone. _____ heard a loud car

13 crash outside of her residence. _____ called for her

14 granddaughter who was in another room of the residence.

15 _____ exited the residence and went to the garage. From the garage

16 she could see W01 _____ standing in the driveway of the

17 residence. _____ told W01 _____ to get back inside the

18 residence. _____ heard a "pop," which sounded like either a

19 firecracker or a gunshot. _____ was scared and went back

20 inside the house. She did not see any officers in uniform and did not

21 get a good look at any parties involved from inside the garage.

22

23

24

25

26 At approximately 1830 hours, _____ was in the living room of

27 the residence, watching television. _____ heard a loud car

28 crash and, within a few moments, heard gunshots. _____ heard

29 two to three gunshots. _____ stayed inside the house and did

30 not hear or see anything.

OFFICER'S NAME Somerville, Steven	ID NUMBER 2124	DATE 03/19/13 425	SHIFT/DAYS OFF C T-F	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/31/13 1823	PAGE 4	OF 8
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
--	---

1

2

3

4

5 At approximately 1840 hours, _____ was seated at the

6 kitchen table inside of the residence with her mother

7 _____ son, _____, and daughter,

8 _____ were inside the residence in their bedrooms.

9 _____ speaks only Spanish and had her daughter, _____,

10 _____ translate for her. _____ heard multiple car crashes and

11 then a single gunshot. _____ looked outside the living

12 window and saw police officers wearing police vests arresting a

13 Hispanic man wearing a red shirt. _____ did not see who

14 fired the gun and did not see any injured person(s).

15

16

17

18

19 At approximately 1840 hours, _____ was seated at the

20 kitchen table inside of the residence with her daughter

21 _____ son, _____, and daughter,

22 _____, were inside the residence in their bedrooms.

23 _____ speaks only Spanish and had her granddaughter, _____,

24 _____ translate for her. _____ heard multiple car crashes and

25 then a single gunshot. _____ looked outside the living

26 window and saw police officers wearing police vests arresting a

27 Hispanic man wearing a red shirt. _____ did not see who

28 fired the gun and did not see any injured person(s).

29

30

OFFICER'S NAME Somerville, Steven	ID NUMBER 2124	DATE 03/19/13 425	SHIFT/DAYS OFF C T-F	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/31/13 1823	PAGE 5	OF 8
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1

2

3 At approximately 1830 hours, was inside of his bedroom of

4 the residence above. heard the sound of cars crashing

5 from outside of the residence. did not hear a

6 gunshot(s). stayed inside of his room and did not hear

7 or see anything.

8

9

10

11

12 At approximately 1840 hours, was inside of her room at

13 the residence above. heard multiple car crashes and

14 then a single gunshot from outside the residence. went

15 into the living room and together, with her mother ,

16 looked outside the living window and saw police officers wearing

17 police vests arresting a Hispanic man wearing a red shirt.

18 did not see who fired the gun and did not see any injured

19 person(s).

20

21

22

23

24

25

26

27 At approximately 1830 hours, was inside of the kitchen

28 of her residence. heard multiple car crashes from

29 outside of her residence. heard two ¿pops,¿ which she

30 believed were gunshots. described the pops as

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 firecrackers. was scarred of being struck by any stray

2 bullets and locked herself in the back room of the residence.

3 was home alone and did not hear or see anything else.

4

5

6

7

8 had been at home the entire day with her two small children

9 who are two and four years old. and her two children were

10 asleep between the 1700 hours and 1900 hours. did not hear

11 or see anything.

12

13

14

15

16

17

18

19 At approximately 1830 hours, was inside the living

20 room of her front residence. heard a loud car crash

21 in front of her residence. heard a loud ¿pop¿ which

22 she believed was a gunshot. exited the front door

23 or the residence and saw a female SJPD officer with her gun pointed

24 down the street. The SJPD officer instructed to go

25 back inside the residence. complied and went back

26 inside the residence. did not see or hear anything

27 else.

28

29 The residence of is equipped with a video

30 surveillance camera facing north towards Jerilyn Drive. I asked

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
--	---

1 if I could take a look at the video surveillance

2 and she told me the video camera no longer works.

3

4

5

6

7 At approximately 1830 hours, was inside her bedroom of

8 the residence above when she heard a loud crash.

9 believed the crash was the neighbor's cement truck.

10 then heard one gunshot from outside the residence.

11 looked outside the residence through the front door and she saw her

12 neighbors hiding. returned back into the residence.

13 did not hear or see anything suspicious.

14

15 Refer to Deputy Mitre's original report for further details on the

16 incident.

17

18 ---End of Report---

19

20 PLEO's:

21

22 Deputy Somerville #2124 Supplemental Report

23 Deputy Mitre #2160 Original Report

OFFICER'S NAME Somerville, Steven	ID NUMBER 2124	DATE 03/19/13 425	SHIFT/DAYS OFF C T-F	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/31/13 1823	PAGE 8	OF 8
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County ADDITIONAL PARTIES		CASE NO. 13-077-0391E				
		"V" = VICTIM		'R" = REPORTING PARTY		"W" = WITNESS		"O" = OTHER		
W02	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			<input type="checkbox"/> STATE OF CA.	RACE	M F	DOB	AGE	HT	WT
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____						
ADDRESS			CITY/STATE	ZIP	PHONE		DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT										

OFFICER'S NAME Vandegraaf, Steven	ID NUMBER 1787	DATE 03/19/13 410	SHIFT/DAYS OFF A TWTF	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/31/13 1351	PAGE 1	OF 4
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
--	---

1 SUPPLEMENTAL INVESTIGATION:

2

3 On 03-18-13 at approximately 1900 hours, I responded to the area of
 4 Athene and Jerilyn to assist with a San Jose PD officer involved
 5 shooting. At approximately 1924 hours, I arrived on scene and met
 6 with Sgt. Richmond. Sgt. Richmond directed me and several other
 7 deputies to check the residents in the area to determine if they were
 8 witnesses to the incident. I documented the addresses and residents I
 9 contacted. Based on the statement from the resident at
 10 the resident was designated W-02 .

11

12 STATEMENT OF W-02 :

13

14 At about 1830 hours, W-02 was in his home working in his office
 15 which was located on the north side of his house. W-02 heard a
 16 loud noise which he determined to be car crash. W-02 looked
 17 out his window and saw several cars on the street. Two of the cars
 18 appeared to have collided head on. W-02 said one person
 19 appeared to have a gun. Fearing for his safety, W-02 left his
 20 office and moved to the south side of his house. W-02 Hit the
 21 deck and remained on the floor. W-02 heard a loud bang which
 22 he knew to be a gun shot. W-02 remained on the floor until he
 23 heard a police officer knocking on his door. W-02 estimated
 24 the time to be approximately one half hour later from when he saw the
 25 incident. W-02 said he is usually home around noon time for
 26 any further questioning. W-02 does not have any security
 27 cameras. W-02 did not provide me with any further details of
 28 the people he saw out of his window.

29

30 INVESTIGATION CONTINUED:

OFFICER'S NAME Vandegraaf, Steven	ID NUMBER 1787	DATE 03/19/13 410	SHIFT/DAYS OFF A TWTF	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/31/13 1351	PAGE 2	OF 4
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <h1 style="margin:0;">13-077-0391E</h1>
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1

2 I continued to contact residents on Athene Drive. At 2050 hours, I

3 contacted _____ and

4

5 Both _____ and _____ said they did not see or hear

6 anything during the time of the incident.

7

8 At 2055 hours, I attempted to contact the residents at

9 _____ No one answered the door.

10

11 At 2057 hours, I contacted

12 _____ . _____ said he did not see or

13 hear anything during the time of the incident. _____ did not know

14 about the incident until he was contacted by law enforcement.

15

16 At 2100 hours, I contacted

17 _____ did not see or hear

18 anything during the time of the incident. _____ did not know

19 anything until the police came to her door.

20

21 At 2108 hours, I contacted

22 _____ did not see or hear anything during the time of

23 the incident. _____ had a video camera mounted to his wall but he said

24 the camera was a dummy camera and was not real.

25

26 At 2132 hours, I contacted

27 _____ did not see or hear

28 anything during the time of the incident. _____ said he was

29 contacted by a police officer before I contacted him.

30

OFFICER'S NAME Vandegraaf, Steven	ID NUMBER 1787	DATE 03/19/13 410	SHIFT/DAYS OFF A TWTF	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/31/13 1351	PAGE 3	OF 4
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 At 2133 hours, I attempted to contact the residents at

2 . No one answered the door.

3

4 At 2135 hours, I contacted

5 and

6 Both and were at home during the time of the

7 incident. Both an did not see or hear

8 anything during the time of the incident.

9

10 At 2142 hours, I contacted

11 and

12 . Both and said they

13 did not see or hear anything during the time of the incident.

14

15 After speaking with each of the residents, I met with Sgt. Richmond

16 who told me I was able to leave the scene. At this time, I concluded

17 my portion of this investigation.

18

19 P.L.E.O.

20

21 Deputy Mitre 2160 Original Report

22 Deputy Vandegraaf 1787 Supplemental Report

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County ADDITIONAL PARTIES		CASE NO. 13-077-0391E				
		"V" = VICTIM		'R" = REPORTING PARTY		"W" = WITNESS		"O" = OTHER		
S02	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 Tolbertson, Chris	ID NUMBER 2155	DATE 03/19/13 031	SHIFT/DAYS OFF 3 TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1116	PAGE 1	OF 10
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County SUSPECT PAGE	CASE NO. <h1 style="margin:0;">13-077-0391E</h1>
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<input checked="" type="checkbox"/> BOOKED	<input type="checkbox"/> CITED	<input type="checkbox"/> 849(B) PC	<input type="checkbox"/> COMPLAINT REVIEW	<input type="checkbox"/> INFO ONLY	<input type="checkbox"/> AT LARGE	<input type="checkbox"/> VMC	<input type="checkbox"/> SEE JCR
--	--------------------------------	------------------------------------	---	------------------------------------	-----------------------------------	------------------------------	----------------------------------

S# 02	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	RACE	M F	DOB	AGE	HT	WT	HAIR	EYES
--------------	---	------	--------	-----	-----	----	----	------	------

AKA/MONIKER	RELATIONSHIP TO VICTIM	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER
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ADDRESS	CITY/STATE	ZIP	PHONE	PFN
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BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	PHOTO ID#
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DL NUMBER	STATE	SSN	CITE#	CEN
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CLOTHING	UNIQUE IDENTIFIERS (CII#)
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HAIR STYLE <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input checked="" type="checkbox"/> SHORT <input type="checkbox"/> GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES	HAIR TYPE <input type="checkbox"/> RECEDING <input checked="" 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 checked="" type="checkbox"/> RIGHT	FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MAN <input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER:	SCARS, MARKS, TATTOOS ETC. CODE: LOC: DESC: <input type="checkbox"/> ADD'L, SEE NARRATIVE CODE: S=SCARS M=MARKS P=PIERCING T=TATTOO MB=MISSING BODY PTS.
UNDER THE INFLUENCE <input type="checkbox"/> Alcohol <input type="checkbox"/> Simulant (Cocaine, Methamphetamines, etc.) <input type="checkbox"/> Depressant (Heroin, etc.) <input type="checkbox"/> Other:						
Student: <input type="checkbox"/>						

OFFICER'S NAME Tolbertson, Chris	ID NUMBER 2155	DATE 03/19/13 031	SHIFT/DAYS OFF 3 TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1116	PAGE 2	OF 10
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1 **ATTACHMENTS:**

2

3 **Digital Photographs of S02**

4 **Digital Recording of S02**

5

6 **INVESTIGATION:**

7

8 **On 03-18-2013 at approximately 1900 hours, I was informed by dispatch**

9 **of a San Jose Police Officer involved shooting at**

10 **in San Jose. At approximately 1945 hours, Deputy De Santiago #2024**

11 **and I arrived on scene. I parked my patrol vehicle in front of**

12 **facing west.**

13

14 **At approximately 1950 hours, I entered the outer perimeter on Jerilyn**

15 **Drive. At approximately 1951 hours, I entered the inner perimeter on**

16 **Jerilyn Drive.**

17

18 **At approximately 1953 hours, I made contact with San Jose Police**

19 **Officer Jantz # 4031, in front of . Deputy Jantz**

20 **informed me he had a Hispanic male adult (later identified as S02**

21 **) in the back of his patrol car.**

22

23

24

25 **Officer Jantz informed me S02 was the passenger in a stolen**

26 **vehicle (Honda Civic), a violation of PC496**

27 **(d)-Possession of Stolen Property.**

28

29 **Per sergeant Richmond I was to take custody of S02 In**

30 **order to take S02 into custody I exited the inner perimeter**

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 on Jerilyn drive. At approximately 2008 hours, I exited the outer
2 perimeter on Jerilyn Drive.
3
4 At approximately 2010 hours, Officer Jantz transported S02
5 in front of . I took custody of S02 from
6 Officer Jantz. I removed S02 from Officer Jantz's patrol
7 vehicle (#1545), and placed him in handcuffs. I placed S02
8 in the back of my patrol vehicle (#08710).
9
10 Officer Jantz handed me a bag containing property he located on S02
11 person. Inside of the bag were two metal shaved keys.
12 (One white metal shaved keys was approximately five inches by one
13 half inch and one black metal shaved key was approximately four
14 inches by one quarter inch). Based on my training and experience I
15 immediately recognized the two shaved keys as a violation of PC
16 466-burglary tools.
17
18 At approximately 2015 hours, I transported S02 to Sheriff's
19 Office Headquarters.
20
21 At approximately 2030 hours I arrived at Sheriff's Office Headquarters
22 with S02 . I removed S02 from my patrol vehicle
23 and escorted him to the third floor at Sheriff's Office Headquarters.
24 I secured S02 in an interview room in order to photograph
25 him and collect evidence.
26
27 At approximately 2045 hours, I took one hundred and five digital
28 photographs of S02 and his belongings.
29

30 DESCRIPTION OF DIGITAL PHOTOGRAPHS:

OFFICER'S NAME Tolbertson, Chris	ID NUMBER 2155	DATE 03/19/13 031	SHIFT/DAYS OFF 3 TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1116	PAGE 4	OF 10
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1									
2 Photograph #									
3									
4 2-6- S02 front									
5 7-22- S02 right side and back									
6 23-30- S02 face and hands									
7 31-44- S02 back and legs									
8 45-53- S02 front sweatshirt and face									
9 54-57- S02 shoes									
10 58-64- S02 hands and lower arms									
11 65-73- S02 upper legs									
12 74-82- S02 chest and back									
13 83-84- S02 belongings									
14 85-90- S02 chest and face									
15 91-103- S02 hands and upper arms									
16 104-106- S02 back and neck									
17									
18 EVIDENCE:									
19									
20 At approximately 2100 hours, I had S02 remove his black,									
21 49ers, hooded sweatshirt.									
22									
23 At approximately 2102 hours, I had S02 remove his black,									
24 fruit of the loom, tank top.									
25									
26 At approximately 2104 hours, I had S02 remove his two, red,									
27 converse, shoes and two white socks.									
28									
29 At approximately 2106 hours, I had S02 remove his blue and									
30 white shorts.									
OFFICER'S NAME Tolbertson, Chris		ID NUMBER 2155	DATE 03/19/13 031	SHIFT/DAYS OFF 3 TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1116	PAGE 5	OF 10

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E			
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1									
2 I placed all of S02 articles of clothing in separate brown									
3 paper bags.									
4									
5 At approximately 2100 hours, I gave S02 a white Tyvex suit									
6 and had him put it on.									
7									
8 At approximately 2125 hours, I placed all of S02 articles									
9 of clothing in the Evidence Drying Room. (1-black, 49ers, sweatshirt,									
10 1-black, fruit of the loom, tank top, 2-red, converse, shoes, 2-white									
11 socks, 1-blue and white pair of shorts).									
12									
13 At approximately 2200 hours, I collected one DNA control sample from									
14 S02 left hand, and one DNA test sample from S02									
15 left hand. At approximately 2205 hours, I collected one									
16 DNA control sample from S02 head, and one DNA test sample									
17 from S02 head. I properly packaged the DNA evidence									
18 immediately upon collecting it.									
19									
20 At approximately 2230 hours, I collected Gun Shot Residue (GSR) from									
21 S02 inner and outer, left and right hand. I properly									
22 packed the GSR evidence immediately upon collecting it.									
23									
24 Later in my shift I transferred the digital photographs and digital									
25 recordings of S02 onto eight compact discs. I submitted									
26 four compact disks into the evidence locker at Sheriff's Office									
27 Headquarters. I submitted four compact disks as an attachment to									
28 this report.									
29									
30 Later in my shift I packaged and booked two metal shaved keys. I									
OFFICER'S NAME Tolbertson, Chris		ID NUMBER 2155	DATE 03/19/13 031	SHIFT/DAYS OFF 3 TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1116	PAGE 6	OF 10

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
--	---

1 submitted both metal shaved keys into the evidence locker at
2 Sheriff's Office Headquarters.
3
4 Later in my shift I booked the two DNA test samples and two DNA
5 control samples collected from S02 into the evidence
6 refrigerator at Sheriff's Office Headquarters.
7
8 INVESTIGATION CONTINUED:
9
10 At approximately 0000 hours, I escorted S02 to the Sheriff's
11 Office Headquarters Operations Desk, while the detectives interviewed
12 the San Jose Police Officer involved in the shooting.
13
14 At approximately 0100 hours, S02 made a phone call to his
15 girlfriend from the Sheriff's Office Headquarters Operations Desk.
16
17 At approximately 0210 hours, Sergeant Quinonez #1644 of the Detectives
18 Bureau took custody of S02 and escorted him to the
19 detective's interview room. (Refer to Sergeant Quinonez's
20 Supplemental Report for further information).
21
22
23
24
25
26
27
28
29
30 At approximately 0510 hours, I transported and booked S02

OFFICER'S NAME Tolbertson, Chris	ID NUMBER 2155	DATE 03/19/13 031	SHIFT/DAYS OFF 3 TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1116	PAGE 7	OF 10
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
---	---

1	into the Main Jail without further incident for violating PC
2	496(d)-Possession of a Stolen Vehicle, PC 466-Possession of Burglary
3	Tools, and PC 1203.2(a)-Probation Violation.
4	
5	P.L.E.O.S:
6	
7	Deputy Tolbertson 2155-Supplemental Report
8	Deputy De Santiago 2024-Assist / No Report
9	Sergeant Quinonez 1644-Supplemental Report
10	Deputy Mitr 2160-Original Report

OFFICER'S NAME Tolbertson, Chris	ID NUMBER 2155	DATE 03/19/13 031	SHIFT/DAYS OFF 3 TWTF	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1116	PAGE 8	OF 10
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	13-077-0391E	<input type="checkbox"/> HEALTH HAZARD
---	---	-----------------	----------	---------------------	--

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

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

S02	<input type="checkbox"/> STATE OF CA.	Res: RPh: Bus:	BPh:	<p style="font-size: 24pt; font-weight: bold;">Office of the Sheriff</p> <p style="font-size: 24pt; font-weight: bold;">Santa Clara County</p> <p style="font-size: 14pt;">55 West Younger Avenue San Jose CA 95110 (408) 808-4500</p>
------------	---------------------------------------	----------------------	------	---

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L-# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	--

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
1	E	S02	1	Digital Photographs	N/A	N/A	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
N/A		55 West Younger Avenue San Jose CA			0	187058	<input type="checkbox"/>
DESCRIPTION 115 Digital Photographs of S02							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
2	E	S02	1	Shaved Key	N/A	N/A	
SERIAL NUMBER		LOCATED			VALUE	LOC CODE	PROCESS EVIDENCE
N/A		S02			0	186688	<input type="checkbox"/>
DESCRIPTION White shaved key with flower engravings on the end. Approximately five inches by half an inch							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	LOCATION BAR CODE Bar code
3	E	S02	1	Shaved Key	N/A	FO7E6750	
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
N/A		S02			0	186689	<input type="checkbox"/>
DESCRIPTION Black shaved key, bent in the shape of an "L." Approximately four inches by one quarter inch.							

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 FOLLOING DAT	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
--------------------------------------	------	---------	------

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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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Tolbertson, Chris	2155	03/19/13 031	3 TWTF	Davis, Nellie	1751	03/19/13 1116	9	10

PROPERTY CODES D = DISPOSAL REQUEST E = EVIDENCE F = FOUND K = SAFEKEEPING O = UNDER OBSERVATION	<input type="checkbox"/> SEARCH WARRANT <input type="checkbox"/> FINDER'S CLAIM <input type="checkbox"/> 5150 / 8102 W and I <input type="checkbox"/> DV/120285	LOCATION CODES L# = LOCKER NUMBER F = FREEZER R = REFRIGERATOR V = VICTIM
---	--	---

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
4	E	S02	2	DNA	N/A	N/A	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
N/A		S02			0	R	<input checked="" type="checkbox"/>
DESCRIPTION One test sample of S02 collected from his head. One control sample of S02 collected from his head. One test sample of S02 collected from the outer portion of his							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
5	E	S02	1	Gun Shot Residue	N/A	N/A	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
N/A		S02			0	R	<input checked="" type="checkbox"/>
DESCRIPTION Gun shot residue collected from S02 left and right hand.							
Bar code							

ITEM#	CODE	SOURCE	QTY	PROPERTY TYPE	BRAND / MAKE	MODEL	
6	E	S02	3	Digital Recordings	N/A	N/A	LOCATION
SERIAL NUMBER		LOCATION COLLECTED			VALUE	LOC CODE	PROCESS EVIDENCE
N/A		55 West Younger Avenue San Jose CA			0	186690	<input type="checkbox"/>
DESCRIPTION Digital Recordings of S02							
Bar code							

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County ADDITIONAL PARTIES		CASE NO. 13-077-0391E				
		"V" = VICTIM		'R" = REPORTING PARTY		"W" = WITNESS		"O" = OTHER		
W03	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)			<input type="checkbox"/> STATE OF CA.	RACE	M F	DOB	AGE	HT	WT
	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER _____						
ADDRESS			CITY/STATE	ZIP	PHONE		DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH <input type="checkbox"/> STUDENT										

OFFICER'S NAME M. Walker	ID NUMBER 2079	DATE 03/18/13 2316	SHIFT/DAYS OFF III ThFS	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/20/13 1055	PAGE 1	OF 6
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **INVESTIGATION:**

2

3 **On 03/18/2013 at approximately 1846 hours, I responded to assist with**

4 **a San Jose Police Officer involved shooting. The shooting occurred**

5 **in the area of Jerilyn Drive and Athene Drive located in Sheriff's**

6 **Office jurisdiction. Sergeant Richmond asked me to canvass the**

7 **residences located on the northern side of Jerilyn Drive and the**

8 **western side of Athene Drive. I documented the addresses and**

9 **residents I contacted.**

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29 **Each subject listed above, could not provide me with any information**

30 **of the incident. They told me they did not hear or see anything**

OFFICER'S NAME M. Walker	ID NUMBER 2079	DATE 03/18/13 2316	SHIFT/DAYS OFF III ThFS	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/20/13 1055	PAGE 2	OF 6
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REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted Murder <> 10851(a) VC [F]
Recovered Stolen Vehicle <> 496D(a) PC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE NO. **13-077-0391E**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Jerilyn Drive @ Athene Drive / San Jose / 95127

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

1 during the time of the incident. The residence did not have any
2 surveillance video.
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23 and told me they did not see
24 anything but they heard several loud bangs. They told me they
25 thought the loud bangs were gunshots and they heard approximately 4-5
26 of them. told me they loud bangs sounded like two
27 different caliber guns going off.
28
29 Based on the statement from he was designated as W03
30 .

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
M. Walker	2079	03/18/13 2316	III ThFS	Sung, Rick	1853	03/20/13 1055	3	6

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1

2 **STATEMENT OF W03** :

3

4 **On 03/18/2013 between the hours of 1820 and 1900 hours, W03**

5 **arrived at his residence. As he got out of his vehicle he saw, what**

6 **appeared to be a white Honda vehicle driving forwards and backwards.**

7 **W03 told me it looked like the vehicle was trying to get**

8 **away from the ¿Undercover¿s¿ I asked W03 what he meant**

9 **by ¿Undercover¿s¿ and he said the ¿Police¿ W03 saw the**

10 **vehicle reverse and crash into another vehicle. After the crash he**

11 **thought he heard a gunshot, so he jumped back inside his vehicle to**

12 **protect himself. W03 told me he heard approximately 4-5**

13 **loud bangs, which he described to be gunshots. W03 then**

14 **ran inside his residence and did not see or hear anything else.**

15

16 **INVESTIGATION CONTINUED:**

17

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19

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21

22 **I attempted to contact the occupants of this residence but there was**

23 **no answer at the door.**

24

25

26

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29

30

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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7
8 Each subject listed above, could not provide me with any information
9 of the incident. They told me they did not hear or see anything
10 during the time of the incident. The residence told me they had
11 cameras on their residence but they did not record the incident. I
12 reviewed the video surveillance and confirmed there was no video
13 recording of the incident.
14
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23
24 The subject above could not provide me with any information of the
25 incident. She told me she did not hear or see anything during the
26 time of the incident. The residence did not have any surveillance
27 video.
28
29
30

OFFICER'S NAME M. Walker	ID NUMBER 2079	DATE 03/18/13 2316	SHIFT/DAYS OFF III ThFS	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/20/13 1055	PAGE 5	OF 6
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 13-077-0391E
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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8 The subject above could not provide me with any information of the
9 incident. She told me she did not hear or see anything during the
10 time of the incident. The residence did not have any surveillance
11 video.
12
13 P.L.E.O:
14
15 Deputy Walker #2079 - Supplemental Report

OFFICER'S NAME M. Walker	ID NUMBER 2079	DATE 03/18/13 2316	SHIFT/DAYS OFF III ThFS	SUPERVISORS REVIEW Sung, Rick	ID NUMBER 1853	DATE 03/20/13 1055	PAGE 6	OF 6
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REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E					
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))						
1 INVESTIGATION:									
2									
3 On 03-18-2013, at approximately 1846 hours, I was dispatched to									
4 in San Jose on report of an officer-involved shooting.									
5 I arrived at approximately 1856 hours.									
6									
7 At approximately 1945 hours, I took over the crime scene log at the									
8 area of . The crime scene log is as follows:									
9									
10 CRIME SCENE LOG:									
11									
12 Deputy C. Tolbertson #2155 In 2 1948/Out 2 2008									
13 Deputy F. De Santiago #2024 In 2 1948/Out 2 2008									
14 Deputy B. Breit #1997 In 2 2008/Out 2 2009									
15 SJPD Officer J. Tanner #3733 In 2 2016									
16									
17 At approximately 2018 hours, SJPD Officer D. Silva #2774 took over the									
18 crime scene log.									
19									
20 INVESTIGATION CONTINUED:									
21									
22 In an effort to locate witnesses, I went to multiple residences and									
23 obtained statements. (As a result of instructions at the scene, all									
24 party information is listed within the narrative. All information is									
25 listed in the format of address, person contacted, statement.) At									
26 approximately 2042 hours, I went to in San Jose.									
27 I did not observe any security cameras, and I confirmed with the									
28 residents that the residence doesn't have security cameras.									
29									
30									
OFFICER'S NAME B. Breit		ID NUMBER 1997	DATE 03/18/13 2316	SHIFT/DAYS OFF III SS	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1205	PAGE 1	OF 10

REPORT TYPE SUPPLEMENTAL
664/187 PC [F] Attempted Murder <> 10851(a) VC [F]
Recovered Stolen Vehicle <> 496D(a) PC [F]

Office of the Sheriff
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NARRATIVE FORM

CASE
NO.

13-077-0391E

LOCATION OF ORIGINAL EVENT (IF KNOWN)

Jerilyn Drive @ Athene Drive / San Jose / 95127

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

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7 STATEMENT OF O02-

:

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9 At approximately 1840 hours, O02-

was sitting

10 in the television room adjacent to the kitchen. O02-

11 was watching baseball. O02-

12 heard, ¿Boom, bam, boom.¿ O02-

tried to go

13 outside, but SJPD officers or Sheriff¿s deputies told him to go back

14 inside. O02- heard a lot of noise.

15

16 O02- was sure of the time of the incident

17 because he called insurance at 1845 (approximately 5 minutes after

18 the incident) because someone hit his dad¿s car (Kia Sedona minivan,

19).

20

21 O02- did not hear or see anything else.

22

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OFFICER'S NAME
B. Breit

ID NUMBER
1997

DATE
03/18/13 2316

SHIFT/DAYS OFF
III SS

SUPERVISORS REVIEW
Davis, Nellie

ID NUMBER
1751

DATE
03/19/13 1205

PAGE OF
3 10

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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1 **STATEMENT OF O03-** :

2

3 **O03-** was unsure of the time at which the incident

4 occurred. **O03-** was watching television when he

5 heard hits, strong hits. When they (the people in the residence)

6 tried to exit the residence, police said to go back inside the

7 residence. **O03-** did not hear or see anything

8 else.

9

10 (**O03-** is a Spanish-speaker. I am a Level II

11 Certified Spanish-speaker.)

12

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21 **STATEMENT OF O04-** :

22

23 **At the time of the incident, O04-** was watching

24 **baseball. O04-** was unsure of the time of the

25 **incident. O04-** heard cars crash. **O04-**

26 **heard police sirens.**

27

28 **O04-** did not hear or see anything else.

29

30

REPORT TYPE SUPPLEMENTAL
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Recovered Stolen Vehicle <> 496D(a) PC [F]

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CASE NO. **13-077-0391E**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Jerilyn Drive @ Athene Drive / San Jose / 95127

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

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8 STATEMENT OF O05- :
9
10 O05- stated that she didn't hear anything.
11 O05- stated she "don't know nothing."
12
13 INVESTIGATION CONTINUED:
14
15 At approximately 2109 hours, I went to . I did not
16 observe any security cameras, and the resident at the address
17 confirmed that the residence does not have security cameras.
18
19
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OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
B. Breit	1997	03/18/13 2316	III SS	Davis, Nellie	1751	03/19/13 1205	5	10

REPORT TYPE 664/187 PC [F] Attempted Murder <> 10851(a) VC [F] Recovered Stolen Vehicle <> 496D(a) PC [F]		<input checked="" type="checkbox"/> SUPPLEMENTAL Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 13-077-0391E				
LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))					
1								
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4	STATEMENT OF 006- :							
5								
6	006- stated she was the only person in the residence. Around							
7	"6ish," 006- heard at least 2 popping noises. 006-							
8	heard a car crash. 006- came out the front door of the							
9	residence and saw a white car hit a Dodge Durango. 006- saw							
10	approximately 5-6 officers "storm" the vehicle (indicating the white							
11	Honda Civic). The officers grabbed one male out of the passenger							
12	seat of the vehicle. 006- stated she thought the male in the							
13	driver' seat was dead.							
14								
15	006- described the driver as a Hispanic male adult with a							
16	goatee.							
17								
18	006- described the passenger as a clean-shaven white male							
19	adult or Hispanic male adult. He was thin and approximately in his							
20	mid 20's. 006- stated the driver was wearing a blue shirt.							
21								
22	INVESTIGATION CONTINUED:							
23								
24	At approximately 2122 hours, I went to . I did not							
25	observe any security cameras, and the resident at the address							
26	confirmed that the residence does not have security cameras.							
27								
28								
29								
30								
OFFICER'S NAME B. Breit	ID NUMBER 1997	DATE 03/18/13 2316	SHIFT/DAYS OFF III SS	SUPERVISORS REVIEW Davis, Nellie	ID NUMBER 1751	DATE 03/19/13 1205	PAGE 6	OF 10

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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11 **STATEMENT OF O07-** :

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13 **O07-** and his wife (**O08-**) just moved

14 into the house with their children

15

16 . At approximately 1900 hours, **O07-** was

17 about to undress in the back bedroom. At the time of the incident,

18 **O07-** children came and got him. **O07-**

19 tried to go outside. When he asked what was going on, an

20 officer told **O07-** to go back into his residence.

21 **O07-** did not hear or see anything else.

22

23 **O07-** stated that he did not want his children to give

24 statements. **O07-** stated that he did not want his

25 children to remember the event (indicating that he did not want them

26 to be traumatized by the event).

27

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LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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8 **STATEMENT OF O08-** :

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10 **The incident occurred at approximately 1900 hours. At the time of the**

11 **incident, O08- was in the back bedroom when her children**

12 **called her. O08- got her children. O08- looked out**

13 **the window and saw a lot of police officers. O08- did not**

14 **hear or see anything else.**

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24 **STATEMENT OF O09-** :

25

26 **(O09- is a Spanish-speaker. I am a Level II Certified**

27 **Spanish-speaker.) O09- did not hear or see anything**

28 **pertaining to the incident. At the time of the incident, O09-**

29 **was sitting at the dining room table in the residence.**

30

LOCATION OF ORIGINAL EVENT (IF KNOWN) Jerilyn Drive @ Athene Drive / San Jose / 95127	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS))
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9 **STATEMENT OF O10-** :

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11 (O10- is a Spanish-speaker. I am a Level II Certified

12 Spanish-speaker.) O10- didn't hear or see anything

13 pertaining to the incident. At the time of the incident, O10-

14 was sitting at the dining room table in the residence.

15

16

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21

22 **STATEMENT OF O11-** :

23

24 O11- is temporarily staying with O07- and

25 O08- . At the time of the incident, O11-

26 was in her bedroom on the east side of the residence. O11-

27 did not hear or see anything pertaining to the incident.

28 O11- also did not want her children

29 to make statements (also

30 showing concern that the children could be traumatized by the

REPORT TYPE SUPPLEMENTAL
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Recovered Stolen Vehicle <> 496D(a) PC [F]

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE NO. **13-077-0391E**

LOCATION OF ORIGINAL EVENT (IF KNOWN)
Jerilyn Drive @ Athene Drive / San Jose / 95127

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

1 event) .
2
3 INVESTIGATION CONTINUED:
4
5 I also assisted Deputy Somerville #2124 in contacting the residents at
6 . After that contact, I left the crime scene.
7
8 P.L.E.O.
9
10 Deputy B. Breit #1997 Supplemental Report

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
B. Breit	1997	03/18/13 2316	III SS	Davis, Nellie	1751	03/19/13 1205	10	10