

Office of the Sheriff, Santa Clara County

55 W. Younger Avenue, San Jose, CA 95110

- INJURY
- BOOKING
- CITE RELEASE

CASE NO.

18-072-0150T

BEAT **T5**

TYPE OF FORCE:

- HANDS/FEET
- KNIFE/CUTTING INSTR.
- FIREARM
- OTHER

INCIDENT REPORT

REPORT TYPE **148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer**

OCURRED	DATE	TIME	DAY
ON OR FROM	3/13/18	12:29	Tue
TO	3/13/18	12:33	Tue
REPORTED	3/13/18	12:29	Tue

LOCATION OF INCIDENT **E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way**

CASE

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

ASSIGNED

V01

LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)

STATE OF CA.

RACE M F DOB AGE HT WT

NOT ASSIG

STATE OF CALIFORNIA

INTERPRETER NEEDED: SPANISH VIETNAMESE OTHER

RECORDS ROUTING

VICTIM ADVISED: SEXUAL ASSAULT VICWIT ASSIST. DOMESTIC VIOLENCE

ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE

ABC

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

Acctng

CCAP/CIVU

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

CLERY

W01 LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)

RACE M F DOB AGE HT WT

DET. DIV.

VICTIM ADVISED: SEXUAL ASSAULT 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

JCR

PROPERTY (NOT FOR EVIDENCE) / COMPLETE SYNOPSIS OF INCIDENT

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

DOMESTIC VIOLENCE

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

HATE

Synopsis: **S01 emerged from a suspicious motorhome parked along VTA railroad track. S01 fled on foot upon identifying myself as a peace officer. Force was used to apprehend S01. S01 complained of injury and was treated at VMC hospital. S01 had a felony No-Bail warrant and was on active probation for the same docket. S01 was left in the care and custody of Deputies at VMC.**

ELDER

CHILD

148/243

Where Occurred

Property Attacked

Method of Entry

Suspect Actions

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

MO Continued in Narrative

EVIDENCE

OTHER MO INFORMATION

DIAGRAM

ASSOCIATED CASE NUMBERS:

OTHER ROUTING: **SCC Adult Probation**

CCTV

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Franzman, Kevi	2234	03/13/18 1356	II SSM	Cobble, David A.	1646	03/13/18 2305	1	11

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County SUSPECT PAGE			CASE NO. 18-072-0150T								
<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# 01		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 _____							
ADDRESS				CITY/STATE				ZIP	PHONE				PFN		
BUSINESS NAME/SCHOOL NAME AND ADDRESS				CITY/STATE				ZIP	PHONE				PHOTO ID#		
DL NUMBER		STATE	SSN				CITE#				CEN				
CLOTHING										UNIQUE IDENTIFIERS (CII#)					

OFFICER'S NAME Franzman, Kevin	ID NUMBER 2234	DATE 03/13/18 1356	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Cobble, David A.	ID NUMBER 1646	DATE 03/13/18 2305	PAGE 2	OF 11
--	--------------------------	------------------------------	---------------------------------	---	--------------------------	------------------------------	------------------	-----------------

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T			
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California					
1 ATTACHMENTS:									
2									
3 Compact Disc Containing Photographs									
4 CHP 180 form									
5									
6 INVESTIGATION:									
7									
8 On 03/13/2018, Deputy Little #2230 and I were assigned to the									
9 Sheriff's Office Valley Transportation Authority (VTA) Patrol									
10 Division dressed in plain clothes and driving an unmarked Sheriff's									
11 Office van (16513). We were assigned to the Transit Patrol Division's									
12 Downtown Crime Suppression Team. On today's date, we were tasked to									
13 investigate a motorhome parked on the right-of-way of the VTA									
14 railroad tracks between Whitton Avenue and San Antonio Street near									
15 South 28th Street, in San Jose. VTA had received a complaint									
16 involving a motorhome that housed multiple subjects who were playing									
17 loud music during late hours, fighting and discarding trash along the									
18 track way. Deputy Little and I conducted a patrol check of the above									
19 mentioned area in an attempt to locate the suspicious motorhome and									
20 associated occupants. The incident was not audio/video recorded with									
21 our Body Worn Cameras due to our under cover uniform.									
22									
23 At approximately 1229 hours, we located the motorhome on									
24 the west side of the tracks. The motorhome was raised on blocks and									
25 appeared inoperable. There were multiple canvas overhangs stretching									
26 from the motorhome that were attached to the fence. There was also a									
27 large amount of refuse spread throughout the area and it appeared to									
28 be the start of a homeless encampment.									
29									
30 I exited my patrol vehicle with my Sheriff's Badge displayed from a									
OFFICER'S NAME Franzman, Kevin		ID NUMBER 2234	DATE 03/13/18 1356	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Cobble, David A.	ID NUMBER 1646	DATE 03/13/18 2305	PAGE 3	OF 11

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer	<input type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <h1 style="margin:0;">18-072-0150T</h1>					
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California						
<p>1 lanyard around my neck, my department issued firearm visible on my</p> <p>2 belt and department issued radio clipped to my pant pocket. A large</p> <p>3 dog ran up to me and started to bark in an aggressive manner. A</p> <p>4 Hispanic, male adult (later identified as S01) appeared</p> <p>5 from behind the motorhome. I said to S01 , "Sheriff's Office,</p> <p>6 secure your dog." S01 retrieved his dog and took him behind the</p> <p>7 motorhome to secure him. I looked around the corner of the motorhome</p> <p>8 to watch S01 movement. I saw S01 push his dog into the</p> <p>9 motorhome's rear door and immediately run at a full sprint south</p> <p>10 along the track way.</p> <p>11</p> <p>12 I yelled to Deputy Little that S01 was running away. I chased</p> <p>13 after S01 on foot while Deputy Little drove our van. While</p> <p>14 running south along the track, I yelled two times at S01 ,</p> <p>15 "Sheriff's Office, stop running!"</p> <p>16</p> <p>17 S01 ran west on San Antonio Street and took off his burgundy</p> <p>18 sweater as he ran in the street. S01 ran north on 26th Street</p> <p>19 in the middle of the street. I yelled multiple times at S01 ,</p> <p>20 "Sheriff's Office, stop running!" S01 attempted to evade me by</p> <p>21 running in and out of parked vehicles along 26th Street. S01</p> <p>22 ran around a parked vehicle and ran back south in the middle of the</p> <p>23 street on 26th Street back towards San Antonio Street.</p> <p>24</p> <p>25 Deputy Little stopped our van in the street facing S01 to get</p> <p>26 him to stop running. S01 avoided our van and ran up onto the</p> <p>27 sidewalk, tripped on the uneven pavement at the corner of San Antonio</p> <p>28 Street and 26th Street and fell to the ground on his stomach. The</p> <p>29 distance of the foot pursuit was approximately 1000 feet.</p> <p>30</p>								
OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Franzman, Kevin	2234	03/13/18 1356	II SSM	Cobble, David A.	1646	03/13/18 2305	4	11

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T			
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California					
1 S01 attempted to get up to again to evade apprehension. I jumped									
2 onto S01 back to prevent his escape.									
3									
4 USE OF FORCE:									
5									
6 I wrapped my right arm around S01 right arm and locked my									
7 right elbow under his right armpit as he moved his right arm									
8 underneath his body to where I could not see. Based on my training									
9 and experience, I know that subjects commonly carry weapons in the									
10 front waistband of their pants. I believed S01 was attempting									
11 to retrieve a weapon. I further wrapped my right arm around S01									
12 right shoulder and reached across the front of his chest and									
13 grabbed onto his shirt. I pulled upward with my right arm on S01									
14 right shoulder, which prevented S01 from reaching his									
15 waistband with his right hand.									
16									
17 S01 left arm was to his side in a push-up style position with									
18 the palm of his hand flat on the ground and wrist bent at a 90 degree									
19 angle. I grabbed S01 left wrist with my left hand and pulled									
20 it toward me so S01 could not use his left hand to brace									
21 against the ground. When I grabbed his left wrist, S01 rolled									
22 onto his left side, trapping his left arm and my left hand underneath									
23 the weight of his body.									
24									
25 Deputy Little attempted to take control of S01 right arm. S01									
26 continued to resist by rolling back onto his stomach and									
27 attempted to tuck both of his arms underneath his body. S01									
28 continued to reach for his front waistband area with his right hand.									
29 (See Deputy Little's supplemental report for his use of force).									
30									
OFFICER'S NAME Franzman, Kevin		ID NUMBER 2234	DATE 03/13/18 1356	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Cobble, David A.	ID NUMBER 1646	DATE 03/13/18 2305	PAGE 5	OF 11

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T	
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California			
<p>1 I placed the palm of my left hand on the back S01 head and</p> <p>2 held it down against the ground to prevent him from rolling his</p> <p>3 shoulders from side to side. S01 broke away from my grasp by</p> <p>4 shaking his head back and forth in a violent motion and due to his</p> <p>5 sweaty skin.</p> <p>6</p> <p>7 I used my left hand to pin S01 left wrist against the ground.</p> <p>8 S01 continued to pull away from me and he swung his right leg</p> <p>9 and attempted to wrap his right foot around my left leg. In order to</p> <p>10 overcome S01 resistance, I released my grasp of S01</p> <p>11 right shoulder and gave him 3-5 closed-fist strikes to his upper left</p> <p>12 shoulder blade with my right hand. S01 un-wrapped his right leg</p> <p>13 around my leg and grabbed his left pant leg with his left hand. S01</p> <p>14 secured his left hand behind his left knee. S01 squeezed</p> <p>15 both of his thighs together to lock his left hand into place. I gave</p> <p>16 S01 two additional closed-fist strikes to his upper left back</p> <p>17 for him to break his grasp. I ordered S01 to give me his hands</p> <p>18 several times.</p> <p>19</p> <p>20 The two additional strikes to his back caused S01 to release his</p> <p>21 grasp of his left pant leg. I grabbed S01 left wrist with my</p> <p>22 right hand and rotated his entire arm so his left elbow faced toward</p> <p>23 his left shoulder. I put pressure on his left triceps area, just</p> <p>24 above his elbow, with my left hand. I warned S01 that if he</p> <p>25 continued resisting, I would break his elbow. S01 continued to</p> <p>26 pull away from me but I had his shoulder rotated to where he did not</p> <p>27 have much leverage. I applied slightly more pressure and again warned</p> <p>28 him that I would break his elbow. S01 did not respond verbally</p> <p>29 but he relaxed his left arm. I handcuffed his left wrist and placed</p> <p>30 it in a rear-wrist twist lock across his lower back. Deputy Little</p>							
OFFICER'S NAME Franzman, Kevin	ID NUMBER 2234	DATE 03/13/18 1356	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Cobble, David A.	ID NUMBER 1646	DATE 03/13/18 2305	PAGE OF 6 11

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T	
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California			
1 brought S01 right arm to his back and I handcuffed his right							
2 wrist.							
3							
4 INVESTIGATION CONTINUED:							
5							
6 S01 told Deputy Little that he was having trouble breathing. I							
7 requested emergency medical personnel respond to medically evaluate							
8 S01 .							
9							
10 Deputies Morrissey #1689, Craig #1869, Emeheiser #1742, Breit #1994							
11 and Groba #1816 arrived on scene to assist. Deputies Morrissey and							
12 Craig took custody of S01 and conducted a search incident to							
13 arrest. Nothing illegal was located on S01 .							
14							
15 Deputy Craig located a California ID card and requested a records							
16 check of S01 through County Communications. County							
17 Communications advised S01 had a felony No-Bail warrant for PC							
18 273.5(a) - Domestic Violence . S01 was also on active							
19 probation out of Santa Clara County for the above mentioned charged.							
20							
21							
22 San Jose Fire Engine #8 and Santa Clara County EMS rig #30 arrived on							
23 scene.							
24							
25 INJURIES TO SUSPECT 01							
26							
27 I observed that S01 had minor one inch abrasions to his right							
28 temple, left temple and left eyebrow. S01 had approximately two							
29 inch abrasions to both his right and left elbow. S01 had a two							
30 inch abrasion to his right knee. S01 had a swollen bottom lip.							
OFFICER'S NAME Franzman, Kevin	ID NUMBER 2234	DATE 03/13/18 1356	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Cobble, David A.	ID NUMBER 1646	DATE 03/13/18 2305	PAGE OF 7 11

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T	
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California			
1							
2							
3	S01 complained of pain to the middle of his back, his right ribs						
4	and right knee. S01 explained his right knee had previously						
5	been injured several years prior.						
6							
7	Deputy Morrissey took several digital photographs of S01 and his						
8	injuries with my department issued camera.						
9							
10	INVESTIGATION CONTINUED:						
11							
12	Deputy Morrissey took several digital photographs of Deputy Little and						
13	I. Deputy Little had minor scrapes to the back of his hands and lower						
14	right leg. Deputy Little declined any medical treatment. I had a						
15	minor scrape to my right hand and right elbow. I did not require any						
16	medical attention.						
17							
18	Deputy Morrissey located several bystanders in the area where S01						
19	was taken into custody. Deputy Morrissey obtained statements						
20	from those bystanders who saw me chase after S01 and S01						
21	resisting arrest (refer to Deputy Morrissey's supplemental report for						
22	further details).						
23							
24	Deputy Groba returned to the original location where the motorhome was						
25	located. Deputy Groba towed a Honda Civic that was						
26	parked next to the motorhome under California Vehicle authority						
27	22651(o) - Expired Registration. Upon inspection, the motorhome was						
28	unoccupied and nothing illegal was located.						
29							
30	At 1251 hours, S01 was transported to VMC hospital by EMS rig						

OFFICER'S NAME Franzman, Kevin	ID NUMBER 2234	DATE 03/13/18 1356	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Cobble, David A.	ID NUMBER 1646	DATE 03/13/18 2305	PAGE 8	OF 11
-----------------------------------	-------------------	-----------------------	--------------------------	--	-------------------	-----------------------	-----------	----------

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer	<input type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. <h1 style="margin:0;">18-072-0150T</h1>					
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California						
1 #30. While in route to the hospital I rode inside the EMS rig. S01 2 spontaneously thanked me for not breaking his elbow and said 3 that he just wanted to see his kids. S01 muttered to himself 4 something to the effect of, "I knew I shouldn't have run from the 5 cops." 6 7 Due to S01 not wanting to talk further because of his injuries, 8 I was unable to obtain a statement from him regarding the incident. 9 10 I contacted Sergeant Holloway #1707 and advised him of my use of 11 force. 12 13 I contacted Santa Clara County Adult Probation and advised them of the 14 incident. A probation hold was not necessary due to the warrant for 15 his arrest being associated to his probation docket. 16 17 S01 was evaluated at VMC hospital for his complaint of pain. S01 18 was admitted for further treatment for a collapsed lung and 19 broken rib. 20 21 At 2120 hours, Deputy Nguyen #1827 relieved Deputy Little and myself 22 at the VMC emergency room. 23 24 I later transferred the digital photographs from my camera to a 25 compact disc (CD) and submitted the CD and Deputy Groba's CHP 180 26 form as attachments to this report. 27 28 ---End of Report--- 29 30 PLEOS:								
OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Franzman, Kevin	2234	03/13/18 1356	II SSM	Cobble, David A.	1646	03/13/18 2305	9	11

REPORT TYPE SUPPLEMENTAL
148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer

Office of the Sheriff
Santa Clara County
NARRATIVE FORM

CASE
NO.

18-072-0150T

LOCATION OF ORIGINAL EVENT (IF KNOWN)

**E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad
Right-of-Way**

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

State of California

1

2 Deputy Franzman #2234 - Original Report

3 Deputy Little #2230 - Supplemental Report

4 Deputy Morrissey #1689 - Supplemental Report

5 Deputy Groba #1816 - CHP 180 form

6 Deputy Breit #1994 - Assist/No Report

7 Deputy Craig #1869 - Assist/No Report

8 Deputy Nguyen #1827 - Assist/No Report

9 Deputy Emehiser #1742 - Assist/No Report

10 Sergeant Holloway #1707 - Use of Force Advisement

OFFICER'S NAME
Franzman, Kevin

ID NUMBER
2234

DATE
03/13/18 1356

SHIFT/DAYS OFF
II SSM

SUPERVISORS REVIEW
Cobble, David A.

ID NUMBER
1646

DATE
03/13/18 2305

PAGE OF
10 11

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer	<input type="checkbox"/> SUPPLEMENTAL	PROPERTY	CASE NO.	18-072-0150T	<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	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
1	E		1	CD			BAR CODE L
SERIAL NUMBER		LOCATION COLLECTED Scene			VALUE	LOC CODE	PROCESS EVIDENCE
					0	L	<input type="checkbox"/>
DESCRIPTION Compact disc containing photographs							

FOLLOW UP OFFICER:	PIN#:	FOLLOW UP OFFICER'S SPECIAL INSTRUCTIONS:
--------------------	-------	---

RELEASE TO:	<input type="checkbox"/> PERSON NAMED ABOVE <input type="checkbox"/> FOLLOWING NAMED PERSON	NAME	ADDRESS	CITY
-------------	--	------	---------	------

WHO HAS BEEN NOTIFIED ON THE FOLLOWING 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 FOLLOWING 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
--	------	---------	------	------

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISORS REVIEW	ID NUMBER	DATE	PAGE	OF
Franzman, Kevin	2234	03/13/18 1356	II SSM	Cobble, David A.	1646	03/13/18 2305	11	11

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County SUSPECT PAGE	CASE NO.	18-072-0150T
--	---	--	----------	---------------------

<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 checked="" type="checkbox"/> VMC	<input type="checkbox"/> SEE JCR
--	--------------------------------	------------------------------------	---	------------------------------------	-----------------------------------	---	----------------------------------

S# 01	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
-------------	------------------------	--

ADDRESS	CITY/STATE	ZIP	PHONE	PFN
---------	------------	-----	-------	-----

BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	PHOTO ID#
---------------------------------------	------------	-----	-------	-----------

DL NUMBER	STATE	SSN	CITE#	CEN 18507240
-----------	-------	-----	-------	------------------------

CLOTHING	UNIQUE IDENTIFIERS (CII#)
----------	---------------------------

HAIR STYLE <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT <input type="checkbox"/> GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES	HAIR TYPE <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER <input type="checkbox"/> HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MAN <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN <input type="checkbox"/> CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK	BUILD <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN <input type="checkbox"/> TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	COMPLEXION <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM <input type="checkbox"/> APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADD'L, SEE NARRATIVE	WEAPONS <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HANDS / FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI-AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER:	SCARS, MARKS, TATTOOS ETC. CODE: LOC: DESC: <input type="checkbox"/> ADD'L, SEE NARRATIVE CODE: S=SCARS M=MARKS P=PIERCING T=TATTOO MB=MISSING BODY PTS.
UNDER THE INFLUENCE <input type="checkbox"/> Alcohol <input type="checkbox"/> Simulant (Cocaine, Methamphetamines, etc.) <input type="checkbox"/> Depressant (Heroin, etc.) <input type="checkbox"/> Other:						
Student: <input type="checkbox"/>						

OFFICER'S NAME T.M. Navarro	ID NUMBER 1667	DATE 03/15/18 811	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/15/18 1540	PAGE 1	OF 8
---------------------------------------	--------------------------	-----------------------------	---------------------------------	--	--------------------------	------------------------------	------------------	----------------

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T	
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California			
1 NOTE: THIS IS A SUPPLEMENTAL REPORT TO THE ORIGINAL AS AUTHORED BY							
2 DEPUTY K. FRANZMAN #2234 ON 03-13-2018.							
3							
4 INVESTIGATION:							
5							
6 On 03-14-2018, at approximately 1150 hours, Deputy M. McRoberts #1802							
7 and I arrived at Valley Medical Center (VMC) to interview in-custody							
8 Suspect #01 who was housed at the 4th							
9 floor surgical wing, room #111B. VMC is located at 751 South Bascom							
10 Avenue in San Jose, CA. Shortly thereafter we met with D.O.C.							
11 Correctional Deputy L. Quezada #10513 who was guarding S01 I							
12 identified myself to Deputy Quezada and explained to him our need to							
13 interview S01							
14							
15 At approximately 1208 hours, we made contact with S01 who was							
16 lying on a hospital bed in room #111B. We identified ourselves to							
17 him and explained to him that we were there to get his side of the							
18 story and to document his injuries. I told him that before doing so							
19 I was going to first activate my voice recorder and then read him his							
20 rights. Upon activating the voice recorder, I read the Miranda							
21 Advisement, verbatim and from my department issued card, to S01							
22 . To each of the four Miranda questions he replied, ¿Yes¿.							
23							
24 S01 then provided me with the following statement:							
25							
26 STATEMENT OF SUSPECT #01 :							
27							
28 (Note: This incident was audio recorded using my department issued							
29 Olympus branded voice recorder. The following is a synopsis of that							
30 incident. For complete details, please refer to the recorded							
OFFICER'S NAME T.M. Navarro	ID NUMBER 1667	DATE 03/15/18 811	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/15/18 1540	PAGE OF 2 8

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T			
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California					
1 file.)									
2									
3 On 03-13-2018 at approximately 1200 hours, S01 went to visit his									
4 cousin at the recreational vehicle (RV) where he had been initially									
5 contacted by Deputies K. Franzman #2234 and J. Little #2230. While									
6 he was there, he saw two gentlemen roll up and he noticed that they									
7 were cops. He told me he had a warrant and that he did not want to									
8 go to jail because he wanted to see his kids, so he ran.									
9									
10 They caught up with him about a block away and tackled him down. They									
11 put his arms around his back and he told them he could not breathe.									
12 He started to struggle with them because he could not breathe and he									
13 asked them to get off of him due to the fact that he could not									
14 breathe. One of them was pushing harder on his ribs while they									
15 laughed and said he was almost turning blue. He said he did not									
16 swing at them and that he was just trying to breathe. Once they got									
17 him into the car they took pictures and they did not read him his									
18 rights. The ambulance arrived at some point and more pictures were									
19 taken. He told the ambulance personnel asked him if he needed to go									
20 to the hospital. He told them that he could not breathe.									
21									
22 Upon arriving at the Emergency Room (ER) at VMC, x-rays were taken and									
23 hospital staff told him he had three broken ribs and that he had air									
24 in his lungs; (I will follow-up with his doctor to determine what he									
25 meant by having air in his lungs;).									
26									
27 I then asked S01 if he knew Deputies Franzman and Little were									
28 officers or deputies. He said he knew they were deputies when he									
29 approached their vehicle because he saw a badge on one of them (at									
30 this point he pointed to the badge around my neck on a lanyard and									
OFFICER'S NAME T.M. Navarro		ID NUMBER 1667	DATE 03/15/18 811	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/15/18 1540	PAGE 3	OF 8

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T			
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way			VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California					
1 indicated the badge he saw was like mine). I asked him if they said								
2 anything to him. He told me one of them instructed him to put his								
3 dog away. They did not say anything else to him. They did not								
4 identify themselves to him or tell him to stop as he took off running								
5 from them. Deputy McRoberts then asked him if he had any question								
6 about them being deputies. He responded by indicating that if one of								
7 them had a badge then he was sure the other one did. He again stated								
8 that he knew there was a warrant for his arrest and that he wanted to								
9 see his kids and that was why he ran.								
10								
11 I then asked S01 if his cousin was at the RV when he was								
12 contacted by deputies. He told me she was. I asked him for her name								
13 and he indicated . He did not know her last name. He told me								
14 she lived in the RV and that it belonged to her boyfriend.								
15								
16 I then had him go over in further detail when he was caught by the								
17 deputies. He said they began to punch him on the face when he was								
18 tackled to the ground. They then punched him on his side and dug a								
19 knee into his back while he was face down. He told the deputies that								
20 he could not breathe so he began to struggle more while he kept								
21 telling them that he could not breathe. He heard them say something								
22 about him turning blue. One of them then put an arm around the front								
23 of his throat to put him to sleep. That is when things got blurry								
24 for him and he went out. He was not sure which deputy tried the								
25 carotid restraint on him because he was face down. (At about this								
26 point, Deputy McRoberts brought out the department issued digital								
27 camera to begin photographic documentation of the injuries of S01								
28 .) He indicated to me the inside portion of the arm, where the								
29 upper arm joins with the lower arm (inside crook of the arm), was the								
30 part of the arm placed across his throat area. He did feel himself								
OFFICER'S NAME T.M. Navarro	ID NUMBER 1667	DATE 03/15/18 811	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/15/18 1540	PAGE 4	OF 8

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T	
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California			
<p>1 passing out and that is why he was panicking because he could not</p> <p>2 breathe. He told me {no} when I asked him if he thought he passed</p> <p>3 out completely. He volunteered to me that he did not have any</p> <p>4 weapons on him. I asked him if he punched back at them or kicked</p> <p>5 back at them. He told me he did not but that he only tried to push</p> <p>6 them off so he could breathe because he was face down on the ground,</p> <p>7 his arms behind his back. He again indicated that one of them had a</p> <p>8 knee on his back and then the other arrived after at some point and</p> <p>9 then one of them was chocking him and punching him. He told me kept</p> <p>10 screaming that he just wanted to breathe and that he was panicking.</p> <p>11 He thought he was punched and kneed approximately one dozen times.</p> <p>12</p> <p>13 I asked him about the dog he put in the RV. He told me the dog was</p> <p>14 not his and that it belonged to his cousin . I asked him if</p> <p>15 had a physical address where she gets mail. He did not know that</p> <p>16 location.</p> <p>17</p> <p>18 As we continued to document his injuries, I revisited the part where</p> <p>19 he said he was initially tackled. I asked him if he actually first</p> <p>20 tripped and fell before being tackled. He said he fell and then one</p> <p>21 of the deputies fell on top of him. The sidewalk was semi-wet when</p> <p>22 he slipped and fell.</p> <p>23</p> <p>24 INVESTIGATION CONTINUED:</p> <p>25</p> <p>26 We documented the following injuries of S01 :</p> <p>27</p> <p>28 INJURIES OF SUSPECT #01 :</p> <p>29</p> <p>30 I asked him where he felt pain on his body. He told me his head hurt</p>							
OFFICER'S NAME T.M. Navarro	ID NUMBER 1667	DATE 03/15/18 811	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/15/18 1540	PAGE OF 5 8

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 18-072-0150T					
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California							
1 but the pain was mainly located at the rib area on the right side.								
2 The following are the injuries that were visible to us:								
3								
4 01) Contusions and abrasions to the upper right temple area. (It								
5 should be noted that the top middle part of his forehead, near the								
6 hairline displayed a protuberance underneath the skin. S01								
7 advised me that the protuberance was normal and that it was already								
8 there for a long time.)								
9 02) Contusions and abrasions to the area of the upper left temple								
10 area, left eyebrow and upper left cheekbone area.								
11 03) Right front shoulder cap area with observed swelling and								
12 abrasions.								
13 04) Left upper rear shoulder abrasion.								
14 05) Approximately 2-inch, thin, linear abrasion on the right side of								
15 the neck.								
16 06) Per S01 , three broken ribs on the right side of his torso								
17 (the area covered by a Lidocaine patch). The status of the broken								
18 ribs will be verified by word for his attending physician(s).								
19 07) Abrasions on and about the area of the right knee.								
20 08) Abrasions on and about the area of the left knee that appear they								
21 may be from prior injury, per S01 .								
22 09) Abrasions and contusions on the right elbow and forearm.								
23 10) Abrasions and contusions on the left elbow area.								
24								
25 In all, Deputy McRoberts took eighteen digital photographs documenting								
26 the injuries of S01 . I later uploaded the photographs to								
27 Evidence.com.								
28								
29 INVESTIGATION CONTINUED:								
30								
OFFICER'S NAME T.M. Navarro	ID NUMBER 1667	DATE 03/15/18 811	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/15/18 1540	PAGE 6	OF 8

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T			
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California					
1 At approximately 1231 hours I concluded the interview with S01									
2 and exited his room. I made contact at nurse's station and asked to									
3 speak to a physician regarding the extent of the injuries sustained									
4 by S01 . The nurse advised me that there were currently no									
5 physician's available on the floor. I left a message with her to									
6 have one of the physicians call me.									
7									
8 As of approximately 1200 hours on 03-15-2018, I had not yet received a									
9 call from an attending physician. I will make a return trip to VMC									
10 to make contact with a physician who is providing care to S01									
11 .									
12									
13 On 03-15-2018 at approximately 1350 hours, Detective McRoberts and I									
14 returned to VMC for additional follow-up. While we waited to meet									
15 with the attending physician, Det. McRoberts obtained a signature									
16 from S01 authorizing the release of his medical records to us.									
17 At approximately 1415 hours, Physician's Assistant (PA) Libbey									
18 Michelini met with us outside the room of S01 . She told us									
19 that they were in the process of discharging him from hospital.									
20									
21 Per PA Michelini, S01 suffered from three fractured ribs on the									
22 right side of his body. He also had a small pneumothorax (collapsed									
23 lung) on the right side. The pneumothorax was such that it did not									
24 require the use of a chest tube to help the lung. He also had									
25 subcutaneous emphysema (air in the tissue of the chest wall) on the									
26 right side that should resolve on its own. All of the abrasions and									
27 contusions will heal normally on their own.									
28									
29 I thanked PA Michelini for speaking with us and soon thereafter we									
30 left the medical unit. We proceeded to the Medical Records office									
OFFICER'S NAME T.M. Navarro		ID NUMBER 1667	DATE 03/15/18 811	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/15/18 1540	PAGE 7	OF 8

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 18-072-0150T
--	--	---	---------------------------------

LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California
---	--

1 located on the first floor. At approximately 1421 hours, I presented

2 the signed medical records release form to the clerk. I indicated to

3 her that it would be fine to have them mail the records to the

4 Sheriff's Office.

5

6 END OF SUPPLEMENTAL REPORT

7

8 P.L.E.O.

9

10 T.M. Navarro #1667, Supplemental Report

11 M. McRoberts #1802, Assist

OFFICER'S NAME T.M. Navarro	ID NUMBER 1667	DATE 03/15/18 811	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/15/18 1540	PAGE 8	OF 8
---------------------------------------	--------------------------	-----------------------------	---------------------------------	--	--------------------------	------------------------------	------------------	----------------

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County ADDITIONAL PARTIES	CASE NO. <h1 style="margin:0;">18-072-0150T</h1>
--	---	--	---

"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									

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 Morrissey, Donald K.	ID NUMBER 1689	DATE 03/14/18 545	SHIFT/DAYS OFF 2 S-M	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/14/18 911	PAGE 1	OF 4
---	--------------------------	-----------------------------	--------------------------------	--	--------------------------	-----------------------------	------------------	----------------

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County SUSPECT PAGE	CASE NO.	18-072-0150T
--	---	--	----------	---------------------

<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# 01	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
-------------	------------------------	--

ADDRESS	CITY/STATE	ZIP	PHONE	PFN
---------	------------	-----	-------	-----

BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	PHOTO ID#
---------------------------------------	------------	-----	-------	-----------

DL NUMBER	STATE	SSN	CITE#	CEN
-----------	-------	-----	-------	-----

CLOTHING	UNIQUE IDENTIFIERS (CII#)
----------	---------------------------

HAIR STYLE <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT <input type="checkbox"/> GLASSES <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES	HAIR TYPE <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER <input type="checkbox"/> HANDED <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	FACIAL HAIR <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MAN <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN <input type="checkbox"/> CLOTHING <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK	BUILD <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN <input type="checkbox"/> TEETH <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	COMPLEXION <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM <input type="checkbox"/> APPEARANCE <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADD'L, SEE NARRATIVE	WEAPONS <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HANDS / FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI-AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER:	SCARS, MARKS, TATTOOS ETC. CODE: LOC: DESC: <input type="checkbox"/> ADD'L, SEE NARRATIVE CODE: S=SCARS M=MARKS P=PIERCING T=TATTOO MB=MISSING BODY PTS.
UNDER THE INFLUENCE <input type="checkbox"/> Alcohol <input type="checkbox"/> Simulant (Cocaine, Methamphetamines, etc.) <input type="checkbox"/> Depressant (Heroin, etc.) <input type="checkbox"/> Other:						
Student: <input type="checkbox"/>						

OFFICER'S NAME Morrissey, Donald K.	ID NUMBER 1689	DATE 03/14/18	SHIFT/DAYS OFF 545 2 S-M	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/14/18	PAGE 2	OF 4
---	--------------------------	-------------------------	------------------------------------	--	--------------------------	-------------------------	------------------	----------------

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T			
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California					
1 SUPPLEMENTAL NARRATIVE:									
2									
3 On 03/13/18, I was on-duty in full Departmental uniform, driving a									
4 fully marked patrol vehicle assigned to the Valley Transportation									
5 Authority Patrol Division. At approximately 1230 hours, I responded									
6 with my emergency equipment activated (Code-3) to assist two plain									
7 clothes deputies who were engaged in a foot-pursuit in the area of									
8 San Antonio and 26th streets in San Jose. At the time of the incident									
9 I was wearing my Department issued Body Worn Camera (BWC) which I									
10 activated upon my arrival on-scene.									
11									
12 Upon my arrival I assisted Deputies Little #2230 and Franzmann #2234									
13 with securing the suspect (later identified as S01) into the									
14 rear of a near-by patrol vehicle. San Jose Fire and County EMS									
15 arrived on-scene to assess and transport S01 to Valley Medical									
16 Center for further treatment. I took several photos of S01 and									
17 Deputies Little and Franzmann with their Department issued camera.									
18 After I took the photos I returned the camera to Deputy Little. Once									
19 the scene was secure, I made contact with the residents of the homes									
20 located closest to the scene.									
21									
22 STATEMENT OF WITNESS #01 :									
23									
24 I identified the resident who lived at by her valid									
25 California Driver's License as . W01 told me she									
26 heard people running and someone yelling "get down." W01 said									
27 she also heard someone yelling "stop resisting." I asked her if she									
28 saw any of the commotion and she stated she did not. I discontinued									
29 my contact with W01 shortly after.									
30									
OFFICER'S NAME Morrissey, Donald K.		ID NUMBER 1689	DATE 03/14/18 545	SHIFT/DAYS OFF 2 S-M	SUPERVISORS REVIEW Holloway, Jon	ID NUMBER 1707	DATE 03/14/18 911	PAGE 3	OF 4

LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California
---	--

1 **STATEMENT OF WITNESS #02** :

2

3 I identified the resident who lived at . The resident

4 verbally identified herself as (later identified as W02

5). I asked W02 if she heard any of the disturbance that

6 occurred directly in front of her residence. W02 was initially

7 hesitant to speak with me but eventually told me did hear the

8 altercation. W02 stated she heard "something about Tasers and

9 stop or something like that." I asked W02 if she looked outside

10 to see anything and she stated she did. W02 said she saw "the

11 cops beating him up" but the guy was resisting while on the ground.

12 She stated she only watched the altercation for a few moments and

13 walked away. I thanked her for her time and discontinued my

14 conversation with W02 .

15

16 **END OF SUPPLEMENTAL REPORT**

17

18 **P.L.E.O.**

19

20 **Deputy D. Morrissey #1689 -- Assist / Supplemental Report**

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer	<input checked="" type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 18-072-0150T					
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way	VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California							
1 INVESTIGATION:								
2								
3 On 03/13/2018, Deputy Franzman #2234 and I were assigned to the								
4 Sheriff's Office Valley Transportation Authority (VTA) Patrol								
5 Division, working undercover in plain clothes and driving an unmarked								
6 Sheriff's Office van (16513). The incident was not recorded with our								
7 Body Worn Cameras due to us being undercover.								
8								
9 At the start of our shift we received information about a suspicious								
10 motorhome parked along the Valley Transportation Authority (VTA)								
11 tracks at the intersection of San Antonio Street and 28th Street in								
12 the city of San Jose. We responded to the area to perform a patrol								
13 check.								
14								
15 At approximately 1229 hours, we arrived on scene and located the								
16 camper. It was parked to the west side of the VTA tracks against the								
17 fence. I also saw two vehicles parked along the fence near the								
18 camper. There was trash and tarps around the camper and it looked								
19 like the individuals associated with the camper were setting up an								
20 encampment.								
21								
22 A dog ran up to the side of our vehicle and started barking at us. A								
23 hispanic male adult, later identified as S01 , walked out								
24 from behind the camper. Deputy Franzman identified himself as a								
25 Sheriff's Deputy to S01 and told him to secure his dog. I								
26 exited our vehicle and heard Deputy Franzman yell at me that S01								
27 was running from him.								
28								
29 USE OF FORCE:								
30								
OFFICER'S NAME Little, Joshua	ID NUMBER 2230	DATE 03/13/18 2149	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Cobble, David A.	ID NUMBER 1646	DATE 03/13/18 2308	PAGE 1	OF 3

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T			
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California					
1 Deputy Franzman pursued S01 on foot. I got back into our vehicle									
2 and pursued S01 S01 ran south from our position to San									
3 Antonio Street. S01 ran west on San Antonio Street, where I									
4 lost visual of him and Deputy Franzman. I drove to 26th Street and									
5 saw S01 running towards me in the middle of the street. I drove									
6 in front of S01, which forced him to slow down to avoid my									
7 vehicle and run onto the sidewalk.									
8									
9 I exited the vehicle to assist in the foot pursuit. I ran around the									
10 back of my vehicle and saw Deputy Franzman on the ground with S01									
11. I ran up to S01 and grabbed his right arm. I told S01									
12 to place both of his hands behind his back. S01 broke									
13 away from my hold on his arm and put his arm underneath his chest									
14 towards his waist band. S01 had not been searched and due to my									
15 training and experience, I believed he was possibly reaching for a									
16 weapon. I struck S01 as hard as I could on his back near his									
17 shoulder blade two times with a closed fist. Due to the force of the									
18 impact, S01 right arm came out from underneath his chest. I									
19 grabbed S01 right arm and tried to put it behind his back. I									
20 told S01 to stop resisting and to put his hands behind his									
21 back. S01 pulled away from me against my hold. I told S01									
22 that I was going to break his arm if he continued to resist in an									
23 attempt to gain his compliance. S01 pulled his arm towards his									
24 chest, pulling me down in the process. I struck S01 as hard as									
25 I could on his right rib cage with my right knee in an attempt to									
26 gain compliance. S01 rolled over to his back breaking my hold									
27 on his right arm.									
28									
29 I told S01 to roll over to his stomach. S01 pushed away									
30 from us and turned his body in an attempt to get up and run away. I									
OFFICER'S NAME Little, Joshua		ID NUMBER 2230	DATE 03/13/18 2149	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Cobble, David A.	ID NUMBER 1646	DATE 03/13/18 2308	PAGE 2	OF 3

REPORT TYPE 148(a)(1) PC [M] Delay, Obstruct, Resist a Peace Officer		<input checked="" type="checkbox"/> SUPPLEMENTAL		Office of the Sheriff Santa Clara County NARRATIVE FORM		CASE NO. 18-072-0150T			
LOCATION OF ORIGINAL EVENT (IF KNOWN) E San Antonio Street @ S 28th Street / San Jose / 95116 / VTA Railroad Right-of-Way				VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California					
1 struck S01 as hard as I could with a closed fist on his stomach									
2 area to prevent him from escaping. S01 rolled over to his									
3 stomach and gasped for air. I grabbed S01 right arm and tried									
4 to pull it behind his back. S01 broke free from my hold and									
5 pushed away from me. I tried to S01 into the carotid									
6 restraint hold to prevent further injuries to S01, myself, and									
7 Deputy Franzman. S01 was sweating profusely and placed his chin									
8 against his chest, preventing me from placing him in the carotid									
9 hold.									
10									
11 Deputy Franzman was able to secure a rear wrist lock control hold on									
12 S01. S01 relaxed his arms and I placed his right arm									
13 behind his back. Deputy Franzman placed S01 in handcuffs.									
14									
15 INVESTIGATION CONTINUED:									
16									
17 S01 had a complaint of pain to his left elbow, rib cage, and									
18 right knee. S01 had visible scraps and cuts on his head, knees,									
19 elbows, and hands. S01 also told me he was having trouble									
20 breathing.									
21									
22 Deputy Franzman requested emergency medical personnel to respond for									
23 S01 injuries. S01 was transported to the Valley Medical									
24 Center for further medical treatment.									
25									
26 P.L.E.O:									
27									
28 Deputy Little #2230 ; Supplemental Report									
OFFICER'S NAME Little, Joshua		ID NUMBER 2230	DATE 03/13/18 2149	SHIFT/DAYS OFF II SSM	SUPERVISORS REVIEW Cobble, David A.	ID NUMBER 1646	DATE 03/13/18 2308	PAGE 3	OF 3