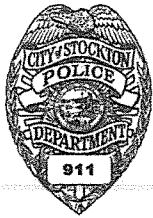


Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
ORIG

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
KONOSKE, SEAN PATRICK

Administrative Information

Agency STOCKTON POLICE DEPARTMENT		DR 17-13946	Supplement No ORIG	Reported Date 04/16/2017	Reported Time 13:03
CAD Call No 171060493	Status REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON			
Location S FILBERT ST/E WASHINGTON ST					City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03
Member# 2676/KONOSKE, SEAN PATRICK					
Assignment Field Service Civic Center 2nd Watch Ph 1				Entered By 2676	
Assignment Field Service Civic Center 2nd Watch Ph 1				RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer 1492		Approval Date 04/18/2017		Approval Time 07:59:17	
Route - Domestic Violence Yes	Route - DA Ready Yes	Route - Gang Violence Unit Yes		Route - Crimes vs Persons Yes	Route - Other Yes
Attach - EPO Yes		Attach - DV Supplemental (13700 PC) Yes			
# Offenses 1	Offense PC273 5(A)	Description INFLECT CORP INJURY		Complaint Type	
NIBRS				[A_C]	[MOE]
# Offenses 2	Offense PC236	Description FALSE IMPRISONMENT W		Complaint Type	
NIBRS				[A_C]	[MOE]
# Offenses 3	Offense PC245 (C)	Description ADW NOT A FIREARM PO		Complaint Type	
NIBRS				[A_C]	[MOE]

Person Summary

Invl SUS	Invl No 1	Type I	Name MONTOYA, EDGAR	MNI 941651
Race H	Sex M	DOB 11/19/1990		
Invl VIC	Invl No 1	Name See Confidential Page		

Vehicle Summary

Invl VIC	Type																		
--------------------	------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Summary Narrative

BODY CAMERA FOOTAGE VIVUE LE3-014066

Other Routing: San Joaquin County Probation Ofc Ryan Oatts

(VIC) Jane Doe was in the vehicle with her boyfriend, (SUS) Edgar Montoya, going to the bank. They got into an argument over him "burning out" in the vehicle while he was driving. The argument continued and Montoya started to punch Doe in the face. He punched her several times and grabbed her by the hair forcing her head down to the center console of the vehicle. He pushed her head against the center console. She was able to get free and when the vehicle came to a stop she tried to get out but he pulled her back into the vehicle. Doe was finally able to get

Report Officer 2676/KONOSKE, SEAN PATRICK	Printed At 02/03/2020 08:26
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
ORIG

Summary Narrative

out of the vehicle and get help to call the police.

When officers arrived, Montoya struck their vehicle and another person's vehicle with his, resulting in an officer involved shooting. Montoya was taken into custody and transported to UC Davis Medical Center for treatment.

Doe was taken to Dameron Hospital for treatment. Doe suffered a bruise over her right eye and a cut lip. An emergency protection order was granted but it has not been served as of this point.

Edgar is a documented Norteno and is on post release community supervision.

Emergency Protection Order:

Protected Person: (VIC) Jane Doe

Restrained Person: Edgar Montoya

Judge: Garber

Issue Date: 04/16/2017

Severed Date: Not Served

Expiration Date: 04/21/2017

Report Officer
2676/KONOSKE, SEAN PATRICK

Printed At
02/03/2020 08:26

STOCKTON POLICE DEPARTMENT

17-13946

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ORIG

SUSPECT 1: MONTOYA, EDGAR

Involvement SUSPECT	Invl No 1	Type Individual	Name MONTOYA, EDGAR							
MNI 941651	Race Hispanic/Mexican/Latin	Sex Male	DOB 11/19/1990	Age 26	Juvenile? No	Height 5'10"	Weight 175#	Hair Color Black		
Eye Color Brown	NIBRS									
Type Home	Address [REDACTED]									
City SAN JOAQUIN C	State CALIFORNIA	ZIP Code 95205	Date 04/16/2017							
Type Operator License	ID No [REDACTED]	OLS CALIFORNIA								

VICTIM 1: Confidential

Involvement	Invl No	Name
VIC	1	See Confidential Page

Vehicle:

involvement
VICTIM VEHICLE

Modus Operandi

Weapon Used
PERSONAL (HANDS, ELBOWS, ETC)/OTHER

Premise Type
VEHICLE; Auto, Truck, Bus, Motorcycle/Street, highway, alley

Crime Code(s)
Assaults

Narrative

NOTIFICATION:

On 04/16/2017 at 1310 hours, I was dispatched to S Filbert St and E Washington St for officers needing assistance. I arrived on-scene at approximately 1313 hours.

INVESTIGATION :

At approximately 1310 hours, I heard over the radio Ofc Johnson (2D25) broadcast that the suspect just rammed his car.

I went en-route to Ofc Johnson and Ofc Rodriguez. While en-route I heard over the radio that shots had been fired and the suspect rammed citizens. The suspect also tried to ram officers as well.

Upon arrival I positioned my patrol car about one and half car lengths behind the suspect vehicle, a white Dodge Durango with California license plate number [REDACTED]. Officers were behind the a vehicle east of me. They were giving the suspect, later identified as (SUS) Edgar Montoya, verbal commands. Montoya came out of the vehicle and laid on the ground. Officers approached Montoya and put him in handcuffs.

I assisted Ofc Johnson and Ofc Rodriguez clear the vehicle. The vehicle was clear and no one else was in it.

After the vehicle was clear and Montoya was in custody, I located the reporting party and victim, (VIC) Jane Doe. She was standing the driveway of [REDACTED]. Doe was crying and appeared to be scared. She had her hands in her pockets and her arms were close to her body.

Doe had a bloody lip and the area around her right eye appeared to be swollen and bruised. Doe requested

Report Officer 2676/KONOSKE, SEAN PATRICK	Printed At 02/03/2020 08:26
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Incident Report

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Narrative

medical attention and AMR Paramedics responded.

I spoke to Doe and she told me the following statement in summary:

STATEMENT OF (VIC) Jane Doe:

Doe said this morning Montoya woke up in a bad mood and they had been arguing since they woke up. Montoya had calmed down and things seemed to be okay. They went to the store and got some grocery items they needed for Easter. Montoya had been drinking and had a couple shots of alcohol.

When they got back home, Doe borrowed twenty dollars from her mother so it could be deposited into the bank. Doe did not want the bank account to go negative when the loan money was taken out of the bank account.

When Doe and Montoya left, Montoya was driving. As he was driving to leave the house, he did a "burnt out" in the vehicle which started the argument. Doe was upset because the vehicle was hers and it was the only thing they had. She did not want the vehicle to be ruined and Montoya doesn't do anything like that when he drives other people's vehicles.

The argument began to escalate and that is when Montoya started to punch Doe in the face while they were on the freeway. He punched her "a lot". Doe was trying to hit him back to defend herself but he kept hitting her. Montoya grabbed Doe by the hair and pulled her head towards him.

Montoya pushed her head down into the center console of the vehicle and pushed her face against the center console. Doe was able to get free and the vehicle came to a stop. Doe tried to get out of the vehicle and Montoya pulled her back.

Doe got free and out of the vehicle. Doe started to ask people to borrow their phones but no one would let her. Montoya was following her in the vehicle and laughing at her. Doe finally found someone that would allow her to borrow a phone. Doe called 9-1-1.

When the police officers arrived, they blocked Montoya with their vehicle. Montoya collided with the officers. Montoya then backed up the vehicle into another vehicle, not a police car, and drove forward again colliding with the police car. Doe was not sure if Montoya collided with the police car again because everything just seemed fast. Doe heard the gun shots and was pulled behind the house by the person that let her borrow the phone.

Doe and Montoya have been dating for about one year. They do not have any children in common but do live together.

(End of Statement)

INVESTIGATION (continued):

I explained and offered Doe an emergency protection order (EPO). Doe requested one. The EPO was granted by the on-call judge.

Doe was transported to Dameron Hospital for treatment. I went to Dameron and met with Doe.

I provided Doe with a Marsy's card and a copy of the EPO.

Doe said she would be willing to go the Stewart Eberhardt Building (SEB) to speak with detectives.

Doe was released from the hospital and I transported Doe to the SEB. Doe was put into interview room #1 until she was moved to interview room #3 by detectives. I was relieved by Ofc Alvarez and Ofc Macias (3D43) at approximately 2005 hours.

ATTACHMENTS:

- DV Supplemental Form
- Emergency Protection Order

EVIDENCE:

None

Report Officer
2676/KONOSKE, SEAN PATRICK

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Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
ORIG

Narrative

DISPOSITION:

Refer to supplemental reports for suspect's arrest.

Report Officer
2676/KONOSKE, SEAN PATRICK

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02/03/2020 08:26

Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
ORIG

Confidential Section

Do not distribute

VICTIM 1:

Involvement Invl N

VICTIM

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Incident Report STOCKTON POLICE DEPARTMENT

17-13946Supplement No
0001**22 E WEBER ST.****STOCKTON, CA 95202****(209) 937-8495**Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
BRAGA, DEREK S

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0001	Reported Date	04/16/2017	Reported Time	13:03	
CAD Call No	171060493	Status	REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON					
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton	
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017	
								From Time	13:03	
Member#	2626/BRAGA, DEREK S									
Assignment	FIELD SERVICE LAKEVIEW SECOND WATCH PHASE1						2nd Member#	MORALES, RYAN J		
2nd Assignment	FIELD SERVICE DIVISION		Entered By 2626							
Assignment	FIELD SERVICE LAKEVIEW SECOND WATCH PHASE1						RMS Transfer	Successful	Prop Trans Stat	Successful
Approving Officer	1492	Approval Date	04/18/2017		Approval Time	08:05:07				

Summary Narrative

Supplemental Report

I transported Officer B.Rodriguez to the SEB from the scene.

BWC worn but not activated due to no evidentiary value or contact with the public.

Modus Operandi

Premise Type	Street, highway, alley	Crime Code(s)	Assaults
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Narrative

NOTIFICATION :

On 04/16/17 at 1311 hours, Officer R.Morales and I (Officer Braga - 2D67) responded to S Filbert St/E Washington St to assist officers who advised "shots fired". We arrived at 1320 hours.

INVESTIGATION :

At 1325 hours, I transported Officer B. Rodriguez to the Stewart Edhart Building (222 E. Weber St). I arrived 1334 hours.

BWC worn but not activated due to no evidentiary value or contact with the public.

ATTACHMENTS :

None

EVIDENCE :

None

DISPOSITION :

Refer to original

Report Officer	2626/BRAGA, DEREK S	Printed At	02/03/2020 08:26
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Incident Report STOCKTON POLICE DEPARTMENT

17-13946Supplement No
0002**22 E WEBER ST.****STOCKTON, CA 95202****(209) 937-8495**

Reported Date

04/16/2017

Rpt/Incident Typ

245

Member#

MACHT, TIMOTHY EDWARD

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0002	Reported Date	04/16/2017	Reported Time	13:03
CAD Call No	171060493	Status	EIT REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON				
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017
								From Time	13:03
Member#	1125/MACHT, TIMOTHY EDWARD								
Assignment	FIELD SERVICE LAKEVIEW SECOND WATCH PHASE1						Entered By	2198	
Assignment	Field Evidence Section		RMS Transfer	Successful		Prop Trans Stat	Successful		
Approval Date	04/18/2017		Approval Time	08:06:05					
Approving Officer									
1492									

Modus Operandi

Physical Evidence	Crime Code(s)
PHOTOS	Assaults

Narrative

NOTIFICATION :

On 04-16-17, I (Sr. Evidence Technician C. Trunk #2198) was dispatched to 525 W. Acacia St. (Dameron Hospital) to take photographs. I arrived at 1411 hours.

INVESTIGATION :

Upon arrival, I took overall and injury photographs of an adult female victim.

I cleared at 1435 hours.

EVIDENCE :

The following digital photographs were submitted to the SPD Photo Unit.
File 946: Images 1-47

Report Officer
1125/MACHT, TIMOTHY EDWARD

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Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0003



22 E WEBER ST.

STOCKTON, CA 95202

(209) 937-8495

Reported Date

04/16/2017

Rpt/Incident Typ

245

Member#

MACHT, TIMOTHY EDWARD

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0003	Reported Date	04/16/2017	Reported Time	13:03								
CAD Call No	171060493	Status	REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON												
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton								
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017	From Time	13:03	To Date	04/16/2017	To Time	13:03		
Member#	1125/MACHT, TIMOTHY EDWARD																
Assignment	FIELD SERVICE LAKEVIEW SECOND WATCH PHASE1										Entered By	2700					
Assignment	Field Service Civic Center 2nd Watch Ph 1										RMS Transfer	Successful		Prop Trans Stat	Successful		
Approving Officer	1492		Approval Date	04/18/2017		Approval Time	08:13:22										

Summary Narrative

Supplemental Report.

BWC Activated.

REGISTERED OWNER 1:

Involvement	Invl No
REGISTERED OWNER	

SUBJECT INVOLVED 1:

Involvement	Invl No
SUBJECT INVOLVED	

Report Officer
1125/MACHT, TIMOTHY EDWARD

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02/03/2020 08:26

Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0003

SUBJECT INVOLVED 2:

Involvement
SUBJECT INVOLVED

Invl No
2

SUBJECT INVOLVED 3:

Involvement
SUBJECT INVOLVED

Invl No
3

SUBJECT INVOLVED 4:

Involvement
SUBJECT INVOLVED

Invl No
4

VICTIM 1:

Involvement
VICTIM

Invl N
1

Report Officer
1125/MACHT, TIMOTHY EDWARD

Printed At
02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0003

Phone Type

WITNESS 2:

Involvement Invl No
WITNESS 2

WITNESS 3:

Involvement Invl No
WITNESS 3

Vehicle: 6RXW396

Involvement Type License No State Lic Year
SUBJECT VEHICLE AUTO CALIFORNIA 2017

Lic Type Year Make Model Style
Regular Passenger Automobile Plates 2009 Nissan Altima 4-door Automobile

Color Value VIN Damage
Gray \$8,000.00 Front

Link Involvement Invl No Name Race Sex
DRV VIC 1 H M

DOB

Link Involvement Invl No Name Race Sex
OWN RGO 1 H F

DOB

Modus Operandi

Premise Type Crime Code(s)
Street, highway, alley Assaults

Narrative

NOTIFICATION:

On 04/15/17 at 1310 hours I, Officer Cortes (2A43) heard Officer Johnson on the radio saying a suspect just rammed him. I drove to S Filbert St and E Washington St code 3 and arrived at 1313 hours.

INVESTIGATION:

I positioned myself on Filbert St just north of E Washington St to avoid cross fire with the Officers on Filbert facing

Report Officer
1125/MACHT, TIMOTHY EDWARD

Printed At
02/03/2020 08:26

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STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0003

Narrative

eastbound. The Officers on Filbert St were able to take the suspect into custody, refer to their report for further information.

I was informed that a citizen was also rammed by the suspect and found a grey Nissan Altima with front end damage in front of [REDACTED] t. I contacted [REDACTED] who was in front of [REDACTED] and told me the driver of the Nissan Altima was down the street. I contacted VIC-[REDACTED] near [REDACTED] and I asked him if he needed medical attention. [REDACTED] stated he did not need medical attention and advised me that he only spoke Spanish. The following conversation took place in Spanish. I asked [REDACTED] what he saw or heard happen and he told me the following in summary.

BODY CAMERA:

(The following interviews was digitally recorded via a body worn camera and has been summarized below. The purpose of the summary is to render an overview of what was described; however, they are not transcriptions of the recorded interviews. The summary should not be viewed as containing only the important facts of the interviews. They are intended to provide the reader with a general understanding of what was said; therefore, refer to the recording itself for the exact wording.)

STATEMENT OF (VIC)-[REDACTED]:

[REDACTED] stated he was driving eastbound on E Washington St and saw a white Durango driving eastbound. [REDACTED] saw when a police vehicle turned the corner onto E Washington St from Filbert St. [REDACTED] saw the driver of the Durango accelerate towards the police vehicle and then reverse rapidly and hit his car. The Suspect then drove forward towards the officers and [REDACTED] heard gun shots. [REDACTED] thought the Durango was going to reverse again and moved his car towards the north sidewalk. [REDACTED] exited his car and waited down the street.

(End of Statement)

INVESTIGATION (continued):

I then contacted WIT-[REDACTED] who was standing by outside of [REDACTED]. I asked [REDACTED] if he saw or heard anything and he told me the following in summary.

STATEMENT OF (WIT)-[REDACTED]:

[REDACTED] stated he was sitting inside of his parked car facing westbound on the north side of the street. [REDACTED] heard a bang and turned around, [REDACTED] saw the Dodge Durango back into the Nissan Altima. [REDACTED] saw the Durango speed up to take make a left turn onto Filbert St and then saw the police vehicle in front of it.

[REDACTED] heard "Stop, Freeze", and then some gun shots. [REDACTED] then heard someone say "get your hands up". [REDACTED] got out of his car and walked across the street into his grandmother's house. ([REDACTED]).

(End of Statement)

INVESTIGATION (continued):

I then contacted SUB-[REDACTED] who was outside of [REDACTED]. I asked [REDACTED] if he saw or heard anything and he stated the following in summary.

STATEMENT OF (SUB)-[REDACTED]:

[REDACTED] stated he was inside of his residence and heard a loud screeching of tires then heard a crash, shortly followed by gunshots. [REDACTED] heard someone yelling but did not understand what they were saying because he does not speak English.

(End of Statement)

INVESTIGATION (continued):

I then spoke with SUB-[REDACTED] who was with [REDACTED] and stated he also heard the same thing that [REDACTED] heard.

I attempted to contact the residents of [REDACTED] but the resident advised they did not hear or see anything and did not want to be listed in the report.

Report Officer
1125/MACHT, TIMOTHY EDWARD

Printed At
02/03/2020 08:26

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0003

Narrative

I contacted SUB- [REDACTED] of [REDACTED] and asked him if he heard or saw anything and he stated he thought he heard gunshots but did not see anything. [REDACTED] stated he had just walked outside because he heard all of the police vehicles.

I contacted SUB- [REDACTED] who was outside of [REDACTED] and asked him if he saw or heard anything. [REDACTED] stated the following in summary.

STATEMENT OF (SUB)- [REDACTED]:

[REDACTED] stated he saw a male and a female in a white Dodge SUV arguing and then saw the male pulling on the female but the female did not allow herself to be pulled into the SUV. The male had long hair and was during the white Dodge SUV. [REDACTED] stated the vehicle which was down the street (S Filbert St/E Washington St) looked like the vehicle the guy who was pulling on the female, was driving. [REDACTED] stated he had to leave to the store and did not see what happen after he left.

(End of Statement)

INVESTIGATION (continued):

I contacted WIT- [REDACTED] who was outside of [REDACTED] and asked him if he saw what happened. [REDACTED] stated he did see what happen and told me the following in summary.

STATEMENT OF (WIT)- [REDACTED]:

[REDACTED] stated he went outside to move his truck, when he saw a female across the street who was spitting up blood, and he walked over to see if she was ok. The female said she already called the cops, told [REDACTED] "Don't let him take me". [REDACTED] tried to convince the male to leave and the male said "she has my phone", finally the male got into the Dodge and the male drove into the cop car with the cops in it. The male drove in reverse and hit the grey car then "gave it gas" and the officer open fire.

[REDACTED] did not know if the suspects' car gave up but thought he was trying to put it in gear but the wheels did not have any traction. Another Officer arrived and blocked him in and the female waited in his driveway while the Officers took the suspect out of the car.

(End of Statement)

INVESTIGATION (continued):

I stood by the scene to help with preserving the crime scene.

SGT. Hernandez requested that I assist with transporting VIC- [REDACTED] to the SEB. I contacted [REDACTED] who agreed to go to the SEB to give his Witness statement. RGO- [REDACTED] ([REDACTED] wife) stated she is the registered owner of the vehicle and wanted to know what she should do. I advised [REDACTED] that the information was going to be given to her husband after we determine what was going to happen with the vehicle. I transported [REDACTED] to the SEB and stood by with him until detectives spoke with him. I then Transported [REDACTED] to his residence and gave him a report number for his records.

ATTACHMENTS:

None.

EVIDENCE:

Refer to Original.

DISPOSITION:

Refer to Original.

Report Officer
1125/MACHT, TIMOTHY EDWARD

Printed At
02/03/2020 08:26

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0004



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
HOWARD, JANELLE ALLEN

Administrative Information

Agency STOCKTON POLICE DEPARTMENT		DR 17-13946	Supplement No 0004	Reported Date 04/16/2017	Reported Time 13:03
CAD Call No 171060493	Status REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON			
Location S FILBERT ST/E WASHINGTON ST					City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03
Member# 1422/HOWARD, JANELLE ALLEN					
Assignment FIELD SERVICE VALLEYOAK SECONDWATCH PHASE1				Entered By 2832	
Assignment FIELD SERVICE LAKEVIEW FIRST WATCH PHASE 2				RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer 1492		Approval Date 04/18/2017		Approval Time 08:32:06	

Summary Narrative

SUPPLEMENTAL REPORT

My body worn camera was not activated because I was only in the perimeter.

Modus Operandi

Premise Type Street, highway, alley	Crime Code(s) Assaults
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Narrative

NOTIFICATION :

On 04/16/17 at 1332 hours I (Ofc. J. Rodriguez/2A27) arrived to the scene of a suspect attempting to ram an officers vehicle.

INVESTIGATION :

Upon arrival to the scene I relieved units who were controlling traffic in the north side of the scene near Filbert St and the highway 4 off ramp. I started a crime log and took charge of the north perimeter. I was relieved by Ofc. Blakeslee (3A53) who took over the crime scene log at 1520 hours. I cleared from the call at 1522 hours.

ATTACHMENTS :

None.

EVIDENCE :

None.

DISPOSITION :

Refer to original report for details.

Report Officer 1422/HOWARD, JANELLE ALLEN	Printed At 02/03/2020 08:26
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Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0005



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
ADAMS, ZACHARY A.

Administrative Information

Agency STOCKTON POLICE DEPARTMENT		DR 17-13946	Supplement No 0005	Reported Date 04/16/2017	Reported Time 13:12
CAD Call No 171060493	Status REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON			
Location S FILBERT ST/E WASHINGTON ST					City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03
Member# 2879/ADAMS, ZACHARY A.					
Assignment FIELD SERVICE VALLEYOAK SECONDWATCH PHASE1			2nd Member# SERNA, MICHAEL THOMAS		
2nd Assignment FIELD SERVICE PARK THIRD WATCH PHASE 1			Entered By 2879		
Assignment FIELD SERVICE LAKEVIEW SECOND WATCH PHASE1			RMS Transfer Successful	Prop Trans Stat Successful	
Approving Officer 1492	Approval Date 04/18/2017	Approval Time 08:33:28			

Summary Narrative

Supplemental Report

BWC Activated

Modus Operandi

Weapon Used FIREARMS	Premise Type Street, highway, alley	Crime Code(s) Assaults
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Narrative

NOTIFICATION :

On 04/16/2017 at approximately 1311 hours, Officer Serna and I (Officer Adams) 2D23, were dispatched as a backup unit for Officers Johnson and Rodriguez (2D25) at Filbert St and Washington St. We arrived on scene at approximately 1312 hours.

INVESTIGATION :

Radio traffic from 2D23 indicated a suspect for PC 273.5 had attempted to ram his vehicle into officers and shots had been fired.

Upon arriving on scene I observed a white Dodge Durango facing Eastbound at the corner of Filbert St and Washington St. Officer Serna stopped our patrol car at the corner facing the vehicle to block it from leaving.

I exited our patrol vehicle and joined Officers Johnson and Rodriguez at the West side of the Durango. We repeatedly gave commands to (ARR) Montoya to raise his hands. We instructed Montoya to exit the vehicle and lay on the ground. Montoya opened the vehicle door and climbed out and onto the ground.

I covered the vehicle as we approached Montoya. Officers McPherson and Twigg (2D33) handcuffed Montoya's hands behind his back. We cleared the vehicle and advised AMR to enter the scene. AMR loaded Montoya into their ambulance and left the scene with Montoya.

I observed four nickel colored bullet casings near the center of the street at Washington St.

Officer Konoske and I set up crime scene tape at the East end of Washington. I stood perimeter watch at [REDACTED] until I was relieved by Officer Roberson (3A49)

Report Officer 2879/ADAMS, ZACHARY A.	Printed At 02/03/2020 08:26
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Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0005

Narrative

ATTACHMENTS :

None.

EVIDENCE :

Refer to FET Report.

DISPOSITION :

Refer to Original.

Report Officer

2879/ADAMS, ZACHARY A.

Printed At

02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0006



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
HOWARD, JANELLE ALLEN

Administrative Information

Agency STOCKTON POLICE DEPARTMENT		DR 17-13946	Supplement No 0006	Reported Date 04/16/2017	Reported Time 13:03
CAD Call No 171060493	Status REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON			
Location S FILBERT ST/E WASHINGTON ST					City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03
Member# 1422/HOWARD, JANELLE ALLEN					
Assignment FIELD SERVICE VALLEYOAK SECONDWATCH PHASE1				Entered By 2097	
Assignment FIELD SERVICE PARK THIRD WATCH PHASE 1				RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer 1492		Approval Date 04/18/2017		Approval Time 08:35:34	
Route - Crimes vs Persons Yes					

Summary Narrative

Supplemental Report

BWC activated

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On 041617 at 1311 hours, Officer Adams and I (Serna/2D23) were dispatched to Filbert/Washington St to assist another officer. We arrived on scene at 1312 hours.

INVESTIGATION :

Just prior to going enroute to assist on this call, I heard Officer Johnson say that a vehicle was ramming a victim, then rammed his patrol car and then I heard "Shots Fired."

I activated my lights and siren and drove to the intersection of Filbert/Washington St. As I was arriving on scene Officer Johnson advised via the police radio for me to take the "Nose end" of the vehicle in case he tried to flee again. I parked my patrol vehicle facing west at the north west corner of Filbert/Washington. There was a white Dodge facing east on Washington closer to the north curb line of the street.

BODY CAMERA:

(The following interviews was digitally recorded via a body worn camera and has been summarized below. The purpose of the summary is to render an overview of what was described; however, they are not transcriptions of the recorded interviews. The summary should not be viewed as containing only the important facts of the interviews. They are intended to provide the reader with a general understanding of what was said; therefore, refer to the recording itself for the exact wording.)

As I got out of my car I noticed Officer Johnson and Officer B Rodriguez standing on the north sidewalk behind a white pick up truck. They had their department issued weapons drawn and were giving the subject inside the

Report Officer 1422/HOWARD, JANELLE ALLEN	Printed At 02/03/2020 08:26
Page 1 of 2	

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0006

Narrative

white Dodge commands to put his hands up. I walked around the back side of my car and approached Officer Johnson to avoid a cross fire situation. As I was approaching Officer Johnson I noticed the white Dodge started to move forward. I drew my department issued handgun and pointed it in the direction of the white Dodge. The Dodge collided with the front end of my vehicle (Unit #4115).

I took a position next to Officer Johnson and held the white Dodge at gun point. As other Officers arrived on scene we kept giving commands for the suspect to "get your hands up!" and "Get out" of his vehicle. The suspect slowly started to comply with the commands.

The driver side door opened and I saw a H/M wearing a red jersey, white t-shirt, blue jeans and white shoes stumble from the driver seat. He fell to the ground on the north curb line and onto his stomach. His left hand was under his body. His hair was long and covered his face. His right hand was above his head on the ground and we continued to give him commands to "let me see your hands!" The suspect was slow to move and tried to remove his left hand from under him. He said he couldn't get it out. I held him at gun point fearing he may have been armed, while Officers McPherson and Twigg approached him. Officer McPherson grabbed onto the suspects left hand and was able to remove it. Once his hand was removed from under his body, I moved up to check the driver side of the car to make sure no one else was inside. Once the suspect had been placed into handcuffs I advised it was clear for medics to enter to render first aid as I noticed there was a wound to the top of his head on the right side.

I looked down the street and noticed a silver car had also been struck. I walked down to locate an owner of the vehicle but other Officers were talking with him. I had Officer Inn take the west end of the perimeter and then met with Sergeant Hernandez, who was on scene, to advise him of the updates.

I stood by with Officers McPherson and Twigg until Officer Skeels transported us to the SEB.

ATTACHMENTS :

None

EVIDENCE :

Refer to original

DISPOSITION :

Refer to original

Report Officer
1422/HOWARD, JANELLE ALLEN

Printed At
02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0007

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
TWIGG, NAN

Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0007	Reported Date 04/16/2017	Reported Time 13:03
CAD Call No 171060493	Status REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
From Time 13:03				
Member# 2820/TWIGG, NAN				
Assignment FIELD SERVICE VALLEYOAK SECONDWATCH PHASE1			2nd Member# MCPHERSON, SEAN R.	
2nd Assignment FIELD SERVICE SEAPORT 2ND WATCH PHASE 1			Entered By 2820	Assignment FIELD SERVICE DIVISION
RMS Transfer Successful	Prop Trans Stat Successful	Approving Officer 1492	Approval Date 04/18/2017	Approval Time 08:37:12

Summary Narrative

My body worn camera was activated.

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On 04/16/2017 at approximately 1311 hours, Officer McPherson and I, Officer Twigg (2D33), responded to assist with Officer Johnson and Officer Rodriguez (2D25) at a S Filbert St and E Washington St.

INVESTIGATION :

Dispatch advised there was a family disturbance at S Filbert Street and E Washington Street. A female reported that her boyfriend had just hit her and was now following her in a white Dodge Durango SUV.

Officer Johnson and Officer B Rodriguez, (2D25) were dispatched to the scene first. 2D25 advised the male in the Dodge Durango SUV used his vehicle to ram into citizens cars. The subject in the Durango attempted to ram the car of 2D25. 2D25 advised there were shots fired.

Upon my arrival, I could see there were patrol units blocking in the white Dodge Durango. Officer McPherson and I exited our vehicle and took place next to other officers with our guns drawn. Officer McPherson and I volunteered to be the arresting team. I put my firearm away and put on latex gloves.

I activated my Vie-Vu BWC.

Officer Johnson and Officer McPherson were giving orders to the male subject in the vehicle to get out the vehicle and keep his hands where we could see them. The male was unresponsive for the first few commands.

The male then started getting out of the vehicle slowly. When he opened the driver's door to the vehicle he fell onto the ground. His right arm was visible and his left arm was tucked under his body. Orders were given for the male to show officers both of his hands. The male said that he couldn't move his arm. Officers continued to command the subject to show both of his hands. After at least five commands, Officer McPherson decided we were going to approach and handcuff the subject.

Report Officer 2820/TWIGG, NAN	Printed At 02/03/2020 08:26
Page 1 of 2	

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0007

Narrative

Officer Johnson covered the vehicle and Officer Serna covered Officer McPherson and I while we cuffed the subject. I assisted in conducting a search of the subject for weapons. No weapons were found on his person. We conducted a search for any wounds. One wound was found on the top right side of the subjects head. The head wound appeared to be a grazing wound. I was unable to determine the size of the wound due to his long black hair. No other wounds were found on the subject's person. I ensured the subject was alert and conscious. I stayed with the subject while we waited for medics to arrive.

AMR unit 21 arrived and took over care of the male subject. I assisted in handcuffing the subject to the gurney as to ensure he would not try to flee.

I was then instructed to stand to the side and protocol was to be in effect. Officer Skeels provided myself and other officers a ride to the SEB.

ATTACHMENTS :

None

EVIDENCE :

BWC Footage

DISPOSITION :

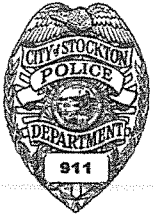
Refer to original report.

Report Officer
2820/TWIGG, NAN

Printed At
02/03/2020 08:26

Incident Report

STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0008

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
BLAKESLEE, NATHAN

Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0008	Reported Date 04/16/2017	Reported Time 13:03
CAD Call No 171060493	Status REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
From Time 13:03				
Member# 2729/BLAKESLEE, NATHAN				
Assignment FIELD SERVICE VALLEYOAK THIRD WATCH PHASE1			Entered By 2729	
Assignment FIELD SERVICE VALLEYOAK THIRD WATCH PHASE1			RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer 1492	Approval Date 04/18/2017	Approval Time 08:39:23		

Summary Narrative

bwc activated

SUBJECT INVOLVED 1: KNIERIM, MATT

Involvement SUBJECT INVOLVED	Invl No 1	Type Individual
Name KNIERIM, MATT	MNI 773239	Race White
DOB [REDACTED]	Sex Male	
Age 41	Juvenile? No	Height 5'11"
Weight 220#	Hair Color Brown	Eye Color Brown
NIBRS		

Type Work/Business	Address 425 N EL DORADO ST		
City Stockton	State CALIFORNIA	ZIP Code 95202	Date 04/16/2017
Phone Type WORK	Phone No (209) 937-8552	Date 04/16/2017	
Employer/School CITY OF STOCKTON	Position/Grade BATT CHIEF		
Location 110 W SONORA ST			City Stockton
State CALIFORNIA	ZIP Code 95203		

Narrative

NOTIFICATION :

On 041617 at 1433, I, Ofc Blakeslee (3A53) was dispatched to assist at E Washington St and N Filbert St for an officer involved shooting scene. I arrived on scene at 1436hrs. I was in full police uniform and driving a fully marked patrol vehicle.

INVESTIGATION :

Upon my arrival, I contacted Sgt Hernandez (2S34) at the scene. I signed the crime scene log and was advised by Sgt Hernandez to assist in taking statements of Firefighters who arrived on scene. I contacted SUB-Matt Knierim. Matt advised that he was the Battalion Chief for Company 2. Matt gave me the following statement in summary below.

Report Officer 2729/BLAKESLEE, NATHAN	Printed At 02/03/2020 08:26
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0008

Narrative

STATEMENT OF (SUB-Matt Knierim):

Matt was dispatched to a shooting that was possibly an officer involved shooting. Matt took the Filbert St exit from Highway 4. Matt was delayed slightly due to traffic. By the time Matt arrived at 1317hrs, the north side of the scene was set. Matt parked his vehicle outside of the scene on the north side at Filbert and Lafayette. Matt walked into the scene at saw SUS on a gurney, SUS was being checked out by Medics. Matt saw that SUS was conscious and talking. Medics advised that SUS was going to get transported to UC Davis.

(End of Statement)

INVESTIGATION (continued):

After I took Matt's statement, I relieved Ofc J. Rodriguez at the north side of the scene at Filbert and Lafayette. I also took over the crime scene log from Ofc J. Rodriguez. I filled out a MVR for the white Dodge Durango (). Technique Towing arrived and the Durango was towed for inside storage. I maintained the scene until I was relieved by Ofc Porta. I turned over the crime scene log to Ofc Porta at 2154hrs.

ATTACHMENTS :

Refer To Original

EVIDENCE :

Refer To Original

DISPOSITION :

Refer To Original

Report Officer

2729/BLAKESLEE, NATHAN

Printed At

02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0009

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
MCPHERSON, SEAN R.

Administrative Information

Agency STOCKTON POLICE DEPARTMENT		DR 17-13946	Supplement No 0009	Reported Date 04/16/2017	Reported Time 13:03
CAD Call No 171060493	Status REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON			
Location S FILBERT ST/E WASHINGTON ST					City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03
Member# 2429/MCPHERSON, SEAN R.					
Assignment FIELD SERVICE SEAPORT 2ND WATCH PHASE 1			2nd Member# TWIGG, NAN	2nd Assignment FIELD SERVICE DIVISION	
Entered By 2429	Assignment FIELD SERVICE SEAPORT 2ND WATCH PHASE 1			RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer 1492		Approval Date 04/18/2017		Approval Time 08:40:08	
Route - DA Ready Yes		Route - Crimes vs Persons Yes			

Summary Narrative

My body worn camera was activated.

Modus Operandi

Premise Type Street, highway, alley/VEHICLE; Auto, Truck, Bus, Motorcycle
Crime Code(s) Assaults

Narrative

NOTIFICATION :

On 04/16/2017 at 1310 hours, Officer Twigg and I, Officer McPherson (2D33) heard were dispatched to Filbert/Washington St to assist another officer. We arrived on scene at 1312 hours.

INVESTIGATION :

Just prior to going enroute to assist on this call, I heard Officer Johnson say that a vehicle was ramming a victim, then rammed his patrol car and then I heard "Shots Fired."

Officer Twigg activated the lights and siren on vehicle #4116 and drove code three to the intersection of Filbert/Washington St. We parked our patrol vehicle facing west at the North West corner of Filbert/Washington next to Officer Serna's vehicle.

As I got out of my car I noticed Officer Johnson and his partner Officer Rodriguez (2D25) standing just west of the white SUV. I took a position next to Officer Johnson and held the white Dodge at gun point. I activated my body camera.

BODY CAMERA:

(The following interviews was digitally recorded via a body worn camera and has been summarized below. The purpose of the summary is to render an overview of what was described; however, they are not transcriptions of the recorded interviews. The summary should not be viewed as containing only the important facts of the interviews. They are intended to provide the reader with a general understanding of what was said; therefore, refer to the recording itself for the exact wording.)

Report Officer 2429/MCPHERSON, SEAN R.	Printed At 02/03/2020 08:26
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0009

Narrative

As other Officers arrived on scene we kept giving commands for the suspect to "get your hands up!" and "Get out" of his vehicle. There was no response at first but he soon began to comply with our commands.

After a short time the driver side door opened and I saw an H/M with long hair wearing a red jersey, white t-shirt, blue jeans and white shoes stumble from the driver seat. He fell to the ground onto his stomach. When he fell to the ground I could see that his left hand was under his body. Due to his long hair it was hard for me to see his face and his body. I could see his right hand above his head on the ground and I continued to give him commands to let me see your hands. The suspect was slow to respond to our commands. I could see him try and remove his left hand from under him. He said he couldn't get it out. Officer Serna kept the suspect at gun point while Officer Twigg and I approached him to place him in handcuffs. I grabbed onto the suspects left hand and was able to remove it from under his body and place it in handcuffs. Officer Twigg handcuffed the suspect's right arm. Once the suspect had been placed into handcuffs I performed a search of his person for weapons. I did not locate any weapons on his person. I could see there was some blood on the top of the suspects head on the right side. I could hear the suspect was talking and conscious.

Sergeant Hernandez was on scene and I advised him of my involvement.

I stood by with Officers Serna and Twigg until Officer Skeels transported us to the SEB.

Once at the SEB I downloaded my body camera.

ATTACHMENTS :

None

EVIDENCE :

Refer to original

DISPOSITION :

Refer to original

Report Officer
2429/MCPHERSON, SEAN R.

Printed At
02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0010

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
HERNANDEZ, JOHN MICHAEL

Administrative Information

Agency	DR	Supplement No	Reported Date	Reported Time
STOCKTON POLICE DEPARTMENT	17-13946	0010	04/16/2017	17:26
CAD Call No	Status	Rpt/Incident Typ		
171060493	REPORT TO FOLLOW	ASSAULT WITH A DEADLY WEAPON		
Location				City
S FILBERT ST/E WASHINGTON ST				Stockton
ZIP Code	Rep Dist	District	Sector	From Date
95205	0191	PA	PN	04/16/2017
From Time				
13:03				
Member#	Assignment			Entered By
1728/HERNANDEZ, JOHN MICHAEL	FIELD SERVICE DIVISION			1728
Assignment	RMS Transfer	Prop Trans Stat	Approving Officer	
FIELD SERVICE DIVISION	Successful	Successful	1492	
Approval Date	Approval Time			
04/18/2017	08:42:50			
Route - Domestic Violence	Route - Crimes vs Persons			
Yes	Yes			

Summary Narrative

Supplemental Report

BWC activated

Modus Operandi

Premise Type	Crime Code(s)
Street, highway, alley	Assaults

Narrative

NOTIFICATION:

On 041617 (Sun) at approximately 1310 hrs, I (Sgt J. Hernandez/2S34), responded to an officer needing help call at Filbert and Washington St.

INVESTIGATION:

Prior to my arrival, I heard Officer Johnson say that a suspect vehicle was ramming his patrol car and ramming citizens cars. A few seconds later Officer Johnson advised "Shots Fired" and start medics.

I arrived at approximately 1313 hrs. Several officers were pulling the suspect out of the suspect vehicle and placing him in handcuffs. I directed on coming patrol units to block off traffic in all directions to establish a perimeter around the scene.

Once the suspect was detained and medics were attending to him, I took a safety statement from Officer Johnson.

He advised me he was not injured and that he fired 3 to 4 shots in a south east direction with his department issued handgun. There were no other suspects or weapons involved. There were no other injured subjects. I advised him he would be taken to the SEB for protocol procedures and he said he understood. I also took a safety statement from Officer B. Rodriguez (Officer Johnson's partner). He advised me he was not injured and that he did not fire any rounds from any firearm. He advised me he did witness the whole incident. I advised Officer Rodriguez that he would be taken to the SEB for protocol procedures as well. He said he understood.

I directed officers in securing the scene and preparing for protocol. Lt Doberneck (WC02) arrived on scene at approximately 1329 hrs and was advised of the situation. Lt Doberneck took charge of the scene.

I remained on scene until Sgt R. Buckley relieved me at approximately 1655 hrs.

Report Officer	Printed At
1728/HERNANDEZ, JOHN MICHAEL	02/03/2020 08:26

Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0010

Narrative

Refer to subsequent reports for details.

ATTACHMENTS :

None.

EVIDENCE :

None.

DISPOSITION :

Refer to original report for details.

Report Officer
1728/HERNANDEZ, JOHN MICHAEL

Printed At
02/03/2020 08:26

Incident Report

STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0011

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
ROBERSON, KYLE

Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0011	Reported Date 04/16/2017	Reported Time 13:03
CAD Call No 171060493	Status REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
From Time 13:03				
Member# 2779/ROBERSON, KYLE				
Assignment Field Service Civic Center 3rd Watch Ph 1			Entered By 2779	
Assignment FIELD SERVICE VALLEYOAK FIRST WATCH PHASE2			RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer 1492	Approval Date 04/18/2017	Approval Time 08:45:09		

Summary Narrative

SUPPLEMENTAL

BWC ACTIVATED

SUBJECT INVOLVED 1: FRAGA, JOSHUA

Involvement SUBJECT INVOLVED	Invl No 1	Type Emergency				
Name FRAGA, JOSHUA			MNI 1429628	Race White	Sex Male	
DOB [REDACTED]	Age 28	Ethnicity Not of Hispanic origin	Juvenile? No	Height 5'07"	Weight 175#	Hair Color Brown
Eye Color Brown		Skin LIGHT				
NIBRS						
Type Work/Business	Address 1116 E FIRST ST					
City Stockton	State CALIFORNIA	ZIP Code 95206	Date 04/16/2017			
Type Operator License	ID No [REDACTED]	OLS CALIFORNIA				
Phone Type WORK	Phone No (209) 937-8023	Date 04/16/2017				

SUBJECT INVOLVED 2: MONTEMAYOR, EDWARD

Involvement SUBJECT INVOLVED	Invl No 2	Type Emergency				
Name MONTEMAYOR, EDWARD			MNI 642891	Race Other Asian		
Sex Male	DOB [REDACTED]	Age 46	Juvenile? No			
NIBRS						
Type Work/Business	Address 1116 E FIRST ST					
City Stockton	State CALIFORNIA	ZIP Code 95206	Date 04/16/2017			
Type Operator License	ID No [REDACTED]	OLS CALIFORNIA				

Report Officer 2779/ROBERSON, KYLE	Printed At 02/03/2020 08:26
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0011

Phone Type WORK	Phone No (209) 937-8023	Date 04/16/2017
Modus Operandi		
Premise Type Street, highway, alley	Crime Code(s) Assaults	
Narrative		

NOTIFICATION :

On 04/16/2017 at 1435 hours I, Officer Roberson (3A49), was dispatched to the area of Filbert St and Washington St to assist with an incident. I arrived at 1440 hours.

INVESTIGATION :

I arrived and met with officer B Rodriguez at Filbert St and Market St so I could sign in on the crime scene log.

I located two fire department workers who responded to the incident I took their following statements in summary.

BODY CAMERA:

(The following interviews was digitally recorded via a body worn camera and has been summarized below. The purpose of the summary is to render an overview of what was described; however, they are not transcriptions of the recorded interviews. The summary should not be viewed as containing only the important facts of the interviews. They are intended to provide the reader with a general understanding of what was said; therefore, refer to the recording itself for the exact wording.)

STATEMENT OF (SUB-1) Josh Fraga:

Fraga works for the city of Stockton Fire Department in Company 3 on Engine 3. He arrived with his Engine and found Montoya face down on the sidewalk with his torso on the sidewalk and feet in the street. Montoya was handcuffed with his hands behind his back and multiple officers were attending to Montoya.

Fraga assisted and picking up Montoya and placing him on the gurney. Montoya was un-handcuffed so he could be placed on his back in the Supine position. Once Montoya was placed on the gurney they immediately moved him into AMR.

Fraga did not notice any other subject standing nearby.

(End of Statement)

STATEMENT OF (SUB-2) Edward Montemayor:

Montemayor works for the City of Stockton Fire Department in Company 3 on Engine 3. Montemayor arrived with his Engine to find Montoya face down on the sidewalk with his torso on the sidewalk and his feet in the street. They are ours hands were handcuffed behind his back and multiple officers were attending to Montoya.

Montoya was speaking with another member of Engine 3 but Montemayor could not understand what was being said. Edward believed Montoya was answering medical questions.

Montemayor did not touch or assist in moving Montoya.

Montemayor noticed multiple subjects standing on the East Side of Filbert St near Washington St. Montemayor also noticed that the garage door to [REDACTED] was open and someone was standing on the driveway.

Montoya was placed on a gurney and moved to AMR.

(End of Statement)

INVESTIGATION (continued):

I walked over to the intersection of Filbert St and Washington St. I stood by multiple pieces of evidence until FET could collect them.

I completed a MVR for the Nissan and it was stored by Delta Valley Tow per VC 22651(b).

I followed Technique Towing back to their tow yard and watched the operator place the Dodge inside their warehouse for storage.

Report Officer 2779/ROBERSON, KYLE	Printed At 02/03/2020 08:26
Page 2 of 3	

Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0011

Narrative

ATTACHMENTS :

See Original

EVIDENCE :

See Original

DISPOSITION :

See Original

Report Officer
2779/ROBERSON, KYLE

Printed At
02/03/2020 08:26

(209) 937-8495

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
INN, JIMMY

Administrative Information							
Agency STOCKTON POLICE DEPARTMENT		DR 17-13946		Supplement No 0012		Reported Date 04/16/2017	
						Reported Time 13:03	
CAD Call No 171060493		Status REPORT TO FOLLOW		Rpt/Incident Type ASSAULT WITH A DEADLY WEAPON			
Location S FILBERT ST/E WASHINGTON ST							City Stockton
ZIP Code 95205		Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03	
Member# 2800/INN, JIMMY							
Assignment Field Service Civic Center 2nd Watch Ph 1					Entered By 2800		
Assignment Field Service Civic Center 2nd Watch Ph 1					RMS Transfer Successful		Prop Trans Stat Successful
Approving Officer 1492		Approval Date 04/18/2017			Approval Time 08:47:54		

Supplemental Report

BWC activated during this investigation.

[illegible]

Involvement	Inv/ No	Name
WIT	2	See Confidential Page

Premise Type	Crime Code(s)
Residential-house	Assaults

NOTIFICATION:

On 04/16/17 at 1311 hours I, Officer Inn (2A47) was dispatched to Filbert and Washington St to assist another officer. I arrived on scene at 1312 hours.

Just before going to assist on this call, I heard Officer Johnson (2D25) on the radio say that a vehicle was ramming his patrol car and then I heard "Shots fired."

Printed At
02/03/2020 08:26

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0012

Narrative

I activated my lights and sirens and drove to the intersection of Filbert and Washington St. Upon my arrival, I parked my car on the west curb line of Filbert behind Officer Johnson's patrol vehicle. There was a white Dodge Durango facing east in front of Officer Johnson's patrol vehicle. I exited my vehicle, circled around the scene, and took place next to other officers with their department issued guns drawn. Sgt. Hernandez (2S34) called me over towards his patrol car which was parked on the southwest corner of Filbert and Washington St. I had my department issued handgun drawn and took position behind Sgt. Hernandez's patrol car. I could hear Officer Johnson and Officer McPherson giving orders to the male subject in the vehicle. They ordered the male subject that was in the white Dodge Durango to get out of the vehicle and keep his hands where they could see them.

The male slowly got out of his vehicle and fell to the ground. Officers placed the subject in handcuffs.

I was ordered by Sgt. Hernandez to block traffic, mid-block on Washington St.

While blocking traffic I took statements from residents who were standing outside of their homes and watching the scene.

I walked over to [REDACTED] and spoke with (WIT) [REDACTED]. [REDACTED] gave me his statement below in summary.

BODY CAMERA:

(The following interviews was digitally recorded via a body worn camera and has been summarized below. The purpose of the summary is to render an overview of what was described; however, they are not transcriptions of the recorded interviews. The summary should not be viewed as containing only the important facts of the interviews. They are intended to provide the reader with a general understanding of what was said; therefore, refer to the recording itself for the exact wording.)

STATEMENT OF (WIT): [REDACTED]

[REDACTED] saw a male subject and a female subject across the street in an altercation. The male goes to grab the female and the female says "Let me go." "Leave me alone." The female subject walks across the street to [REDACTED] and asks to use a phone. The male subject comes and goes three to four times. The female subject runs to the southwest corner of Filbert and Washington St talking on the phone. The male subject catches up to the female subject and pushes her into the yard out of [REDACTED] sight. The male subject bear hugged the female subject and pulled her into his vehicle. The male subject let go and a patrol vehicle arrived and blocked the vehicle. The male subject in the vehicle backed into a dark gray Nissan. The vehicle pulled forward and tried to turn left, when he hit the patrol vehicle in front of him.

(End of Statement)

INVESTIGATION (continued):

I walked across the street and spoke with another subject (WIT2) [REDACTED] [REDACTED] gave me his statement below in summary.

STATEMENT OF (WIT): [REDACTED]

[REDACTED] was outside of the residence at [REDACTED] [REDACTED] seen a white SUV and a female subject walking to the corner of Filbert and Washington St on her phone. A male subject got out of his vehicle and told the female to "Get over here!" The male fled westbound on E Washington St. [REDACTED] went back inside and heard 4 gunshots. [REDACTED] saw the male subject's vehicle hit a patrol vehicle. [REDACTED] observed the officers order the male subject out of his vehicle.

(End of Statement)

INVESTIGATION (continued):

I stayed at my position blocking traffic until 1527 hours when I was relieved of my duties by CSO Buell (3C9).

ATTACHMENTS:

None

Report Officer
2800/INN, JIMMY

Printed At
02/03/2020 08:26

Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0012

Narrative

EVIDENCE:

None

DISPOSITION:

Refer to original report.

Report Officer
2800/INN, JIMMY

Printed At
02/03/2020 08:26

Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0012

Confidential Section

Do not distribute

WITNESS 2:

Involvement

Invl No

WITNESS

2

Report Officer

2800/INN, JIMMY

Printed At

02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0013

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
MELENDREZ, LUIS

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0013	Reported Date	04/16/2017	Reported Time	13:11
CAD Call No	171060493	Status	REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON				
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017
								From Time	13:03
Member#	2831/MELENDREZ, LUIS			Assignment	FIELD SERVICE DIVISION				
2nd Member#	SHAFFER, JASON N.		2nd Assignment		FIELD SERVICE VALLEYOAK THIRD WATCH PHASE1			Entered By	2831
Assignment	FIELD SERVICE PARK SECOND WATCH PHASE 1				RMS Transfer	Successful		Prop Trans Stat	Successful
Approving Officer	1492		Approval Date	04/18/2017		Approval Time	08:49:26		

Summary Narrative

SUPPLEMENTAL REPORT

My BWC was activated during my investigation.

Modus Operandi

Premise Type	Crime Code(s)
Street, highway, alley	Assaults

Narrative

NOTIFICATION :

On 04/16/2017, at approximately 1311 hours, Officer Shaffer and I, Officer Melendrez (2D55), were dispatched to S Filbert St and E Washington St to assist an Officer. We arrived on-scene at approximately 1316 hours (*per my BWC footage*).

INVESTIGATION :

Just prior to going enroute to assist on this call, I heard Officer Johnson (2D25) say that a vehicle was ramming a victim. I then heard Officer Johnson say the suspect rammed his patrol car. Shortly after, I heard "Shots Fired."

I activated my lights and siren and drove Code 3 from the SEB Parking lot (22 E Weber St). We arrived at the intersection of S. Filbert St and the CA 4 Highway off ramp. I parked my vehicle and noticed other units were on-scene. I began to conduct traffic control and guided vehicles away from the scene. Other Officers arrived and began to put up crime tape across S. Filbert Street.

Once traffic was controlled I was relieved of my duties by other Officers.

ATTACHMENTS :

None.

EVIDENCE :

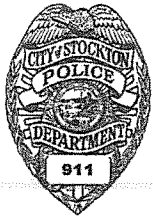
Refer to FET Report.

DISPOSITION :

Refer to Original Report.

Report Officer	2831/MELENDREZ, LUIS	Printed At	02/03/2020 08:26
Page 1 of 1			

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0014

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
BUCKLEY, RICHARD NICHOL

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0014	Reported Date	04/16/2017	Reported Time	13:03
CAD Call No	171060493	Status	REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON				
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017
								From Time	13:03
Member#	2102/BUCKLEY, RICHARD NICHOLAS			Assignment	FIELD SERVICE DIVISION			Entered By	2102
Assignment	FIELD SERVICE PARK THIRD WATCH PHASE 1			RMS Transfer	Successful		Prop Trans Stat	Successful	
Approving Officer	1492	Approval Date	04/18/2017		Approval Time	08:50:15			
Route - Crimes vs Persons	Yes								

Summary Narrative

BWC not activated

Modus Operandi

Premise Type	Crime Code(s)
Street, highway, alley	Assaults

Narrative

NOTIFICATION :

On 4/16/2017 at approximately 1650 hours, I, Sergeant Buckley (3S25), was dispatched to the intersection of Filbert Street and Washington Street to relieve Sergeant Hernandez (2S34). I arrived at approximately 1655 hours.

INVESTIGATION :

I managed the scene until relieved by Sergeant Harris (3S45) at 1805 hours. I relieved Sergeant Harris at 1813 hours. I cleared the scene at approximately 1838 hours.

ATTACHMENTS :

None

EVIDENCE :

None

DISPOSITION :

Refer to original report.

Report Officer	2102/BUCKLEY, RICHARD NICHOLAS	Printed At	02/03/2020 08:26
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Incident Report STOCKTON POLICE DEPARTMENT

17-13946Supplement No
0015

22 E WEBER ST.

STOCKTON, CA 95202

(209) 937-8495

Reported Date

04/16/2017

Rpt/Incident Typ

245

Member#

RASH, KELSEY

Administrative Information

Agency	DR	Supplement No	Reported Date	Reported Time
STOCKTON POLICE DEPARTMENT	17-13946	0015	04/16/2017	13:03
CAD Call No	Status	Rpt/Incident Typ		
171060493	EIT REPORT TO FOLLOW	ASSAULT WITH A DEADLY WEAPON		
Location				City
S FILBERT ST/E WASHINGTON ST				Stockton
ZIP Code	Rep Dist	District	Sector	From Date
95205	0191	PA	PN	04/16/2017
From Time				
13:03				
Member#	Assignment			Entered By
2564/RASH, KELSEY	Field Evidence Section			2564
Assignment	RMS Transfer	Prop Trans Stat	Approving Officer	
Field Evidence Section	Successful	Successful	1293	
Approval Date	Approval Time			
04/19/2017	11:59:50			

Summary Narrative

ATTN: DETECTIVE LOUIS PORTA

I collected one(1) crime scene video dvd of the scene before placards.

Modus Operandi

Physical Evidence	Crime Code(s)
VIDEO	Assaults

Narrative

NOTIFICATION :

On 4/16/2017 I (ET K.RASH #2564) was dispatched to the intersection of S Filbert St and E Washington St to assist in processing the crime scene.

I arrived at 1414 hours.

INVESTIGATION :

Upon arrival I was briefed by SGT SMITH #1293.

I collected one(1) crime scene video dvd of the scene before placards.

At 1618 hours I changed location to 22 E Weber Ave (Evidence Identification Section) and arrived at 1624 hours.

I attended a protocol incident briefing.

At 1804 hours I changed locations to the intersection of S Filbert St and E Washington St and arrived at 1808 hours.

I cleared the scene at 1817 hours and changed locations to 22 E Weber Ave (Evidence Identification Section). I arrived at 1822 hours.

Upon arrival I finalized, packaged, and booked the crime scene video dvd onto property record B122901.

I cleared at 1900 hours.

EVIDENCE :

(Physical Evidence)

I turned in the following physical evidence to the Property Section on property record B122901:

Item 1: One(1) crime scene video dvd of the scene before placards

Report Officer	Printed At
2564/RASH, KELSEY	02/03/2020 08:26

Incident Report

STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0016

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
HERNANDEZ, JOHN MICHAEL

Administrative Information

Agency STOCKTON POLICE DEPARTMENT		DR 17-13946		Supplement No 0016		Reported Date 04/16/2017		Reported Time 13:03	
CAD Call No 171060493		Status REPORT TO FOLLOW		Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON					
Location S FILBERT ST/E WASHINGTON ST								City Stockton	
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03				
Member# 1728/HERNANDEZ, JOHN MICHAEL				Assignment FIELD SERVICE DIVISION			Entered By 2704		
Assignment Field Service Civic Center 1st Watch Ph 2				RMS Transfer Successful		Prop Trans Stat Successful			
Approving Officer 1492		Approval Date 04/18/2017		Approval Time 08:56:15					

Summary Narrative

Supplemental report

BWC activated during my on scene arrival on perimeter

Modus Operandi

Premise Type Street, highway, alley	Crime Code(s) Assaults
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Narrative

NOTIFICATION :

On 04-16-17, at 1310 hours, I (Officer Skeels, 2A45) responded code 3, with emergency lights and sirens from Center St/Fremont St. to assist officers being rammed by a suspects vehicle. I arrived at 1313 hours.

INVESTIGATION :

On arrival, I had heard that several other units were already on scene to assist the primary officers. I took up a perimeter position to block Northbound traffic at Filbert St and Lafayette St. I remained on the perimeter until I was relieved by a CSO. I transported Officers Serna, McPherson and Twigg to the SEB to wait for interview. I cleared from the call per Sgt. Hernandez.

ATTACHMENTS :

None

EVIDENCE :

BWC

DISPOSITION :

Refer to original

Report Officer 1728/HERNANDEZ, JOHN MICHAEL	Printed At 02/03/2020 08:26
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Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0017

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
MORALES, RYAN J

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0017	Reported Date	04/16/2017	Reported Time	19:14	
CAD Call No	171060493	Status	REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON					
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton	
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017	
								From Time	13:03	
Member#	2883/MORALES, RYAN J			Assignment	FIELD SERVICE DIVISION			Entered By	2883	
Assignment	FIELD SERVICE DIVISION		RMS Transfer	Successful		Prop Trans Stat	Successful		Approving Officer	1492
Approval Date	04/18/2017		Approval Time	08:57:30						

Summary Narrative

Supplemental Report

I transported Officer B.Rodriguez to the SEB from the scene.

BWC worn but not activated due to no evidentiary value or contact with the public.

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On 04/16/17 at 1311 hours, Officer D.Braga and I (Officer Morales- 2D67) responded to S Filbert St/E Washington St to assist officers who advised "shots fired". We arrived at 1320 hours.

INVESTIGATION :

At 1325 hours, I transported Officer B. Rodriguez to the Stewart Edhart Building (222 E. Weber St). I arrived 1334 hours.

BWC worn but not activated due to no evidentiary value or contact with the public.

ATTACHMENTS :

None

EVIDENCE :

None

DISPOSITION :

Refer to original

Report Officer
2883/MORALES, RYAN J

Printed At
02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0018

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
FARROW, VICTORIA

Administrative Information

Agency STOCKTON POLICE DEPARTMENT		DR 17-13946	Supplement No 0018	Reported Date 04/16/2017	Reported Time 21:01
CAD Call No 171060493	Status EIT REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON			
Location S FILBERT ST/E WASHINGTON ST					City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03
Member# 2158/FARROW, VICTORIA					
Assignment Field Evidence Section-4th Watch Phase 1				Entered By 2158	
Assignment Field Evidence Section-4th Watch Phase 1				RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer 1492		Approval Date 04/18/2017		Approval Time 08:58:41	

Summary Narrative

Photographed suspect at hospital and received his clothing. Photographed and booked clothing.

Modus Operandi

Physical Evidence PHOTOS/CLOTHING/WALLET	Crime Code(s) Assaults
--	----------------------------------

Narrative

NOTIFICATION :

On 04-16-2017 at 1600 hours I, ET V. Tracy (2158), was dispatched to 2315 Stockton Blvd., Sacramento (UC Davis Medical Center) for photographed. I arrived at 1723 hours.

INVESTIGATION :

I met with Officer A. Arista in the E.R.. I photographed (S) Edgar Montoya (11-19-1990) who was awake and cooperative. I photographed an injury to the right side of his head. I met with Officer Altamirano outside the E.R.. I received the suspect's clothing. I cleared at 1743 hours.

I changed location to 22 E. Weber (Evidence Identification Section). I arrived at 1854 hours. I secured all evidence. I cleared at 1913 hours.

I returned to the Evidence Identification Section at 1953 hours. I itemized the clothing. I located a set of keys and a wallet in the jeans. I located the victim's driver's license in the wallet. I photographed all items and damage to the clothing. I packaged and booked all evidence into the Property Section. I cleared at 2130 hours.

EVIDENCE :

The following digital photographs were turned in to the Photo Unit:

Frames 1-10 at hospital

Frames 1-33 at Evidence Section

The following was booked onto Property Record B122904:

- 1: One jersey tank, Nike size XL, "BLAZERS" "WALLACE #30" cut and blood-stained
- 2: One T-shirt, ProTag size XL, cut and blood-stained
- 3: One pair of jeans, Haggar size 34x32, blue, cut and blood-stained, with intermingled brown belt
- 4: One pair of shoes, Air Jordan size 10, black and white
- 5: One pair of boxer shorts, Dockers size large, grey plaid, cut and blood-stained

Report Officer 2158/FARROW, VICTORIA	Printed At 02/03/2020 08:26
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0018

Narrative

6: One pair of socks, white with red

7: One set of keys: one Hyundai fob, one Hyundai key, one clip (From right front pocket of jeans)

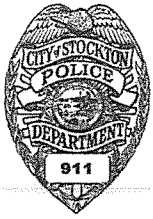
8: One wallet, unknown brand, containing items for Edgar Montoya CDL # [REDACTED], EBT, two Visa cards, CDCR ID, business cards, and receipts (From left front pocket of jeans)

9: One CDL for [REDACTED]: [REDACTED], [REDACTED]

Report Officer
2158/FARROW, VICTORIA

Printed At
02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0019

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
BUELL, ALISA STONE

Administrative Information

Agency STOCKTON POLICE DEPARTMENT		DR 17-13946	Supplement No 0019	Reported Date 04/16/2017	Reported Time 21:06
CAD Call No 171060493	Status REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON			
Location S FILBERT ST/E WASHINGTON ST					City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03
Member# 2536/BUELL, ALISA STONE					
Assignment FIELD SERVICE SEAPORT 3RD WATCH PHASE 1				Entered By 2536	
Assignment FIELD SERVICE SEAPORT 3RD WATCH PHASE 1				RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer 1492		Approval Date 04/18/2017		Approval Time 08:59:52	

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On 04/16/17, at 1514 hours, I, CSO Buell, was dispatched to S F ST and E Washington ST, for traffic control. I arrived on scene at 1525 hours.

INVESTIGATION :

I relieved Ofc. Inn, #2800 at 1525 hours.
At 1915 hours, I was relieved by 3D45, for a 5 minute break.
I escorted local residence to their homes and back out.
I cleared the scene at 2156 hours.

ATTACHMENTS :

None

EVIDENCE :

None

DISPOSITION :

See original

Report Officer 2536/BUELL, ALISA STONE	Printed At 02/03/2020 08:26
Page 1 of 1	

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0020

Reported Date
04/17/2017
Rpt/Incident Typ
245
Member#
BARRINGTON, ROBERT

Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0020	Reported Date 04/17/2017	Reported Time 00:10
CAD Call No 171060493	Status RTF SPECIAL ENFORCEMENT TEAMS	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
Member# 2599/BARRINGTON, ROBERT		Assignment COMMUNITY RESPONSE TEAM		
2nd Member# ALTAMIRANO, RICARDO		2nd Assignment COMMUNITY RESPONSE TEAM		Entered By 2599
Assignment COMMUNITY RESPONSE TEAM		RMS Transfer Successful	Prop Trans Stat Successful	Approving Officer 1492
Approval Date 04/18/2017	Approval Time 09:02:42			

Summary Narrative

SUBSEQUENT REPORT

BWC Activated

SUBJECT INVOLVED 1: ELTING, BRIAN

Involvement SUBJECT INVOLVED	Invl No 1	Type Individual
Name ELTING, BRIAN	MNI 650823	Race White
DOB [REDACTED]	Age 50	Juvenile? No
Height 5'09"	Weight 215#	Hair Color Brown
Eye Color Blue	Sex Male	

Type Work/Business	Address 4010 E MAIN ST		
City SAN JOAQUIN C	State CALIFORNIA	ZIP Code 95215	Date 04/17/2017
Phone Type WORK	Phone No (209) 937-8032	Date 04/17/2017	

Modus Operandi

Premise Type Street, highway, alley	Crime Code(s) Assaults
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Narrative

NOTIFICATION:

On 04/16/17 at 1313 hours, Officer Altamirano and I (Barrington/Y16) were working as part of the Stockton Police Department Community Response Team (CRT). We were driving a marked SPD patrol vehicle (#4123) and wearing full police uniforms. Officer Altamirano was driving and I was in the passenger seat. We responded to Filbert/Washington St to assist with an officer involved shooting.

INVESTIGATION:

Upon our arrival we assisted with traffic control by blocking southbound traffic on Filbert just south of Market St. I observed a Hispanic male (later identified as Edgar Montoya) laying on the ground next to a white Dodge Durango. I saw an arrest team of SPD officers handcuff Montoya and attempt to render first aid until AMR medics arrived.

Report Officer 2599/BARRINGTON, ROBERT	Printed At 02/03/2020 08:26
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0020

Narrative

AMR Medic unit # 29 arrived on scene and we were advised over the radio they would be transporting Montoya to UC Davis Medical Center. Sgt Martin (Y6) rode in the ambulance and I drove his patrol car to UC Davis.

Upon arriving at UC Davis I spoke with SFD Firefighter (SUB-1) Brian Elting who rode to UC Davis in the ambulance with Montoya. Elting told me the following in summary:

STATEMENT OF (SUB-1) Brian Elting:

Elting normally works at Station 12 (4010 E Main St) but today he was working at Station 3 (1116 E First St). Elting responded to Filbert/Washington for a report of an officer involved shooting. Elting arrived and began providing first aid to Montoya. Elting then rode in the ambulance with Montoya to UC Davis.

Elting did not believe Montoya ever lost consciousness while they were enroute to UC Davis. Elting asked Montoya several medical questions and Montoya was able to answer them. Montoya seemed coherent the entire time. Montoya said "I'm sorry" a few times while they were driving. Montoya also told Elting he either is currently or used to be a "Northerner" when Elting asked about the four dots tattooed on his face.

(End of Statement)

INVESTIGATION (continued):

Montoya was placed in Emergency Trauma Room D1. I observed a single gunshot wound to the right side of the back of his head.

We stayed with Montoya for several hours during which time he underwent a CT scan. We were advised by the medical staff that the bullet had penetrated his skull and that there were bullet and skull fragments in his brain. Montoya was eventually moved to Surgical Intensive Care Unit room 11 and underwent a second CT scan. We were eventually relieved by Officer Arista (Y22) at which time we returned to Stockton.

Refer to original report for further details regarding this incident.

ATTACHMENTS:

Refer to original

EVIDENCE:

Refer to original

DISPOSITION:

Refer to original

Report Officer
2599/BARRINGTON, ROBERT

Printed At
02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0021



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

Reported Date
04/17/2017
Rpt/Incident Typ
245
Member#
MACIAS, JARED

Administrative Information

Agency	DR	Supplement No	Reported Date	Reported Time
STOCKTON POLICE DEPARTMENT	17-13946	0021	04/17/2017	00:16
CAD Call No	Status	Rpt/Incident Typ		
171060493	REPORT TO FOLLOW	ASSAULT WITH A DEADLY WEAPON		
Location				City
S FILBERT ST/E WASHINGTON ST				Stockton
ZIP Code	Rep Dist	District	Sector	From Date
95205	0191	PA	PN	04/16/2017
From Time				
13:03				
Member#				
2797/MACIAS, JARED				
Assignment			Entered By	
FIELD SERVICE VALLEYOAK SECONDWATCH PHASE1			2797	
Assignment			RMS Transfer	Prop Trans Stat
FIELD SERVICE VALLEYOAK SECONDWATCH PHASE1			Successful	Successful
Approving Officer	Approval Date	Approval Time		
1492	04/18/2017	09:03:46		

Summary Narrative

Supplemental Report

BWC Not Activated

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On 04/16/17 at 1957 hours Ofc. Alvarez and I (Ofc. Macias/3D43) were dispatched to 22 E Weber Av (SEB) to relieve Ofc. Konoske (2A41). We arrived on scene at 2005 hours.

INVESTIGATION :

Upon our arrival to the scene, we met with Ofc. Konoske who advised us (VIC) Jane Doe was in interview room one with detectives and would be finishing up shortly. At approx. 2040 hours Detectives advised they were finished interviewing Doe and she could be transported home (REDACTED). Ofc. Alvarez advised dispatch of our change of location. We transported Doe home and arrived at 2050 hours (5.9 miles). We waited with Doe until her family arrived. We cleared from the call at 2135 hours.

ATTACHMENTS :

None

EVIDENCE :

None

DISPOSITION :

Refer to original

Report Officer
2797/MACIAS, JARED

Printed At
02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0022

Reported Date
04/17/2017
Rpt/Incident Typ
245
Member#
ARISTA, ADRIANNA

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0022	Reported Date	04/17/2017	Reported Time	00:18		
CAD Call No	171060493	Status	RTF SPECIAL ENFORCEMENT TEAMS		Rpt/Incident Typ				ASSAULT WITH A DEADLY WEAPON		
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton		
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017	From Time	13:03
Member#	2421/ARISTA, ADRIANNA				Assignment			COMMUNITY RESPONSE TEAM	Entered By	2421	
Assignment	COMMUNITY RESPONSE TEAM		RMS Transfer	Successful		Prop Trans Stat	Successful		Approving Officer	1492	
Approval Date	04/18/2017		Approval Time		09:07:46						

Summary Narrative

***SUPPLEMENTAL REPORT**

BODY CAMERA:

(The following interviews was digitally recorded via a body worn camera and has been summarized below. The purpose of the summary is to render an overview of what was described; however, they are not transcriptions of the recorded interviews. The summary should not be viewed as containing only the important facts of the interviews. They are intended to provide the reader with a general understanding of what was said; therefore, refer to the recording itself for the exact wording.)

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On 04/16/2017 at approximately 1311 hours, I (Officer Arista Y22) was enroute to assist officers Johnson and Rodriguez (2D25) at S. Filbert Street and E. Washington Street. Officer Johnson advised dispatch over the air that "Shots had been fired" at the suspect vehicle related to his call.

INVESTIGATION :

Upon arrival in the area [Eastbound off ramp], other officers on scene advised that they were taking the suspect into custody from his vehicle. AMR Medics arrived on scene shortly after and advised that the suspect [Later determined to be Edgar Montoya] was going to be transported to UC Davis Hospital, due to the nature of the gun shot wound to his head.

I went to UC Davis Hospital to meet with Montoya as part of the CII [Critical Incident investigation] team. I arrived at UC Davis at approximately 1445 hours. Upon arrival at UC Davis, Montoya was receiving a CT scan. After the CT scan Montoya was placed in ER room #D1.

Montoya was lying on a hospital gurney nude, with a white hospital blanket draped over his body. Montoya had a C-spine collar around his neck and wrist straps wrapped around both his left and right wrist, which were affixed to both the left and right sides of the bed. Montoya's head was resting on an absorbing pad, which was blood stained.

Report Officer	2421/ARISTA, ADRIANNA	Printed At	02/03/2020 08:26
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0022

Narrative

While I was in room D1, there was a nurse who cleaned Montoya's gun shot wound. The gunshot wound was located on the rear right side of Montoya's head. Due to the length of Montoya's long curly hair, the nurse had to shave the area around the gun shot wound. After clearing the area of hair, I saw and approximate 2 1/2 in laceration in length, with a width of approximately a half an inch. Near the bottom of the laceration was a hole that was approximately the size of a marble. The wound was not actively bleeding, but instead looked as if it was slowly oozing out small amounts of blood.

After Montoya's wound was clean, a neurologist came into the room to speak with Montoya. The neurologist advised Montoya that the bullet fragment had penetrated and cracked his skull. There were currently small bullet fragments and small pieces of skull on Montoya's brain. Based on the neurologist's observations, he advised Montoya that there was not immediate need for surgery, however, a secondary CT scan would be conducted at 2100 hours to check for an immediate changes.

The neurologist conducted a few exercises with Montoya to check his motor skills. The neurologist had Montoya raise his arms [*both left and right*], his legs [*both left and right*], and also had Montoya squeeze his hands [*Neurologist's hands*] with both of his [*Montoya's*] hands. Montoya was able to follow instructions and also responded back to the neurologist regarding his pain level.

I observed Montoya move both of his legs, both of his arms, and both of his hands per the Neurologists instructions. Montoya had a little bit of trouble moving his left arm and stated it felt "Numb." Montoya also complained of pain to his neck and head.

After the neurologist conducted his exercises, I walked back over to Montoya to document his tattoos. I observed the following tattoos on Montoya's person:

- "209" block letters on stomach
- Raiders logo on his chest
- "Stockton's Finest" on his lower abdomen
- "69" and playboy bunny symbol on his penis
- "Priscilla" on his left shoulder
- "Guadalupe" on his right shoulder
- "Stockton" across the top of his back
- A large huelga bird on the entirety of his back
- "G" (Green Bay Packers) logo on his right hand
- "4" dots to the left of his left eye
- "1" dot to the right of his right eye
- "5150" on his left fingers
- "Glock" symbol on his left pointer finger
- "B" (Boston Red Sox logo) on his left middle finger
- "Julie" on his left hand
- "Shelby" on his left hand
- "ES" on his left hand
- "N" on his left hand
- Stockton Ports logo on his left hand
- "E" in old English font on his left calf
- "S" in old English font on his right calf

I asked Montoya if he was a Garden Block Norteno [*Due to the "G" on his hand*] and he advised me that he didn't "Do any of that." Montoya explained that he's just a "Northerner when he goes to prison."

After documenting Montoya's injuries and tattoos, I remained with him in ER room D1. FET Tracy arrived and photographed Montoya's injury's. After photographing Montoya, FET Tracy took custody of Montoya's clothing that he wore during the incident.

Montoya was later moved to Surgical Intensive Care Unit Room #11. I remained with Montoya until I was relieved

Report Officer

2421/ARISTA, ADRIANNA

Printed At

02/03/2020 08:26

Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0022

Narrative

by Officer Hammonds at approximately 2315 hours.

ATTACHMENTS :

None

EVIDENCE :

None

DISPOSITION :

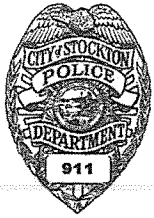
Refer to Original.

Report Officer
2421/ARISTA, ADRIANNA

Printed At
02/03/2020 08:26

Incident Report

STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0023

Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
ALTAMIRANO, RICARDO

Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0023	Reported Date 04/16/2017	Reported Time 13:03
CAD Call No 171060493	Status RTF SPECIAL ENFORCEMENT TEAMS	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
Member# 2619/ALTAMIRANO, RICARDO		Assignment COMMUNITY RESPONSE TEAM		
2nd Member# BARRINGTON, ROBERT		2nd Assignment COMMUNITY RESPONSE TEAM		Entered By 2619
Assignment COMMUNITY RESPONSE TEAM		RMS Transfer Successful	Prop Trans Stat Successful	Approving Officer 1492
Approval Date 04/18/2017		Approval Time 09:17:11		

Summary Narrative

****SUPPLEMENTAL REPORT****

SUBJECT INVOLVED 1: BRADLEY, CHAD

Involvement SUBJECT INVOLVED	Invl No 1	Type Individual
Name BRADLEY, CHAD	MNI 1331373	Race White
DOB [REDACTED]	Age 30	Juvenile? No
NIBRS		
Type Work/Business	Address 3755 WEST LN	
City Stockton	State CALIFORNIA	ZIP Code 95204
Phone Type WORK	Phone No (800) 913-9113	Date 04/16/2017
Employer/School AMR		

Modus Operandi

Premise Type Street, highway, alley	Crime Code(s) Assaults
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Narrative

NOTIFICATION :

On 04-16-17 at around 1312 hours Ofc. Barrington and I, Ofc. Altamirano (Y16), were working as part of the Community Response Team (CRT). We were in a marked Police vehicle and in full Police uniform. We responded to S Filbert St/E Washington St on the report of an Officer involved shooting. We arrived at around 1315 hours.

The majority of this incident was captured on my VieVu body-camera. This report should only be considered a summary of the incident. For exact verbiage and occurrences, please view the body-camera footage.

INVESTIGATION :

We responded to the location and positioned our patrol car just south of the crosstown freeway in order to block

Report Officer 2619/ALTAMIRANO, RICARDO	Printed At 02/03/2020 08:26
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0023

Narrative

southbound traffic. We stood by until the suspect was in custody a few minutes later. I walked to the Officers who handcuffed the suspect. The suspect was on his stomach and I observed blood on the back of the suspects head.

We cleared the area a short time later but returned to the scene a few minutes after as we were instructed to follow the ambulance to UC Davis where the suspect was being transported. Sgt. Martin rode in the ambulance with the suspect and we followed.

When we arrived we met with Sgt. Martin who was standing by. The suspect was going to go through a catscan and we were asked by staff to take two bags that contained the suspects belongings. We secured them in our car and they were later turned over to FET Tracy. The suspect went through a catscan and was taken back to a room.

I then went and spoke with AMR medic (SUB) Chad Bradley who was in the ambulance who transported the suspect. Bradley advised that the suspect was cooperative with him and answered any questions he had. He advised that the suspect never made any comments regarding the case other than answering his questions about where he was injured and how he was injured.

The suspect spent the majority of the time I was there in ER room D1. He had a single gunshot wound on the right side of the back of his head. The bullet penetrated but the majority stopped at the skull. He had some bullet fragments in his brain. He received stitches and was seen by several doctors.

The suspect was quite for the majority of the time and never spoke about what happened.

He was then moved to SICU (Surgical Intensive Care Unit) 11. He received another catscan in order for the surgeons to decide whether he would undergo surgery.

Ofc. Barrington and I cleared at 2141 hours.

ATTACHMENTS :

None.

EVIDENCE :

Refer to original.

DISPOSITION :

Refer to original.

Report Officer
2619/ALTAMIRANO, RICARDO

Printed At
02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT

17-13946Supplement No
0024**22 E WEBER ST.
STOCKTON, CA 95202****(209) 937-8495**Reported Date
04/16/2017
Rpt/Incident Typ
245
Member#
ALVAREZ, VICTOR

Administrative Information

Agency	DR	Supplement No	Reported Date	Reported Time
STOCKTON POLICE DEPARTMENT	17-13946	0024	04/16/2017	13:03
CAD Call No	Status	Rpt/Incident Typ		
171060493	REPORT TO FOLLOW	ASSAULT WITH A DEADLY WEAPON		
Location				City
S FILBERT ST/E WASHINGTON ST				Stockton
ZIP Code	Rep Dist	District	Sector	From Date
95205	0191	PA	PN	04/16/2017
From Time	Member#			
13:03	2775/ALVAREZ, VICTOR			
Assignment			2nd Member#	
Field Service Civic Center 3rd Watch Ph 1			MACIAS, JARED	
2nd Assignment			Entered By	
FIELD SERVICE VALLEYOAK SECONDWATCH PHASE1			2775	
Assignment			RMS Transfer	Prop Trans Stat
Field Service Civic Center 3rd Watch Ph 1			Successful	Successful
Approving Officer	Approval Date	Approval Time		
1492	04/18/2017	09:18:13		

Summary Narrative

Supplemental Report

BWC Not Activated

Modus Operandi

Crime Code(s)

Assaults

Narrative

NOTIFICATION :

On 04/16/17 at 1957 hours Officer Macias and I, Officer Alvarez (3D43) were dispatched to 22 E Weber Av (SEB) to relieve Ofc. Konoske (2A41). We arrived on scene at 2005 hours.

INVESTIGATION :

Upon our arrival to the scene, we met with Ofc. Konoske who advised us (VIC) Jane Doe was in interview room one with detectives and would be finishing up shortly. At approx. 2040 hours Detectives advised they were finished interviewing Doe and she could be transported home (REDACTED). I advised dispatch of our change of location. We transported Doe home and arrived at 2050 hours (5.9 miles). We waited with Doe until her family arrived. We cleared from the call at 2135 hours.

ATTACHMENTS :

None

EVIDENCE :

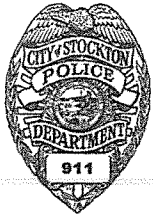
None

DISPOSITION :

Refer to original

Report Officer	Printed At
2775/ALVAREZ, VICTOR	02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0025

Reported Date
04/17/2017
Rpt/Incident Typ
245
Member#
MITCHELL, JON-PAUL

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0025	Reported Date	04/17/2017	Reported Time	00:56
CAD Call No	171060493	Status	EIT REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON				
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017
								From Time	13:03
Member#	2567/MITCHELL, JON-PAUL			Assignment	Field Evidence Section			Entered By	2567
Assignment	Field Evidence Section		RMS Transfer	Successful	Prop Trans Stat	Successful		Approving Officer	1492
Approval Date	04/18/2017		Approval Time	09:19:04					

Summary Narrative

ATTENTION: Detective I. Mohammed and Detective L. Porta

Modus Operandi

Physical Evidence	Crime Code(s)
VIDEO	Assaults

Narrative

NOTIFICATION :

On 04-16-2017 I, ET J. Mitchell #2567, was dispatched to 22 E. Weber Ave. (SEB), for photographs related to an Officer Involved Shooting. I arrived at 1609 hours.

INVESTIGATION :

Upon arrival, I met with Detective I. Mohammed and representatives from the Department of Justice. I photographed Officer R. Johnson III, including his duty belt. I also photographed a firearm from Officer R. Johnson III, as it was being rendered safe by Department of Justice representative J. Hamiel. I photographed one (1) live bullet from the chamber of the firearm and seven (7) live bullets from the magazine. I then photographed Officer B. Rodriguez, including his duty belt. I also attended protocol briefing. I cleared at 1809 hours.

I changed locations to S. Filbert St./E. Washington St. I arrived at 1825 hours. Upon arrival, I completed a video of the crime scene including items of evidence, Stockton Police Department vehicle #3877 (exempt license: 1380598), a white Dodge Durango (license: [REDACTED]) and a grey Nissan Sentra (license: [REDACTED]). I cleared at 2041 hours.

I changed locations to 22 E. Weber Ave. (Evidence Identification Section). I arrived at 2047 hours. Upon arrival, I packaged, booked and secured the crime scene DVD into the SPD Property Section. I cleared at 2108 hours.

EVIDENCE :

The following digital photographs were turned in to the SPD Photo Unit:
Frames 01-55

The following item was booked onto Property Record #B122903:
Item #1: One (1) crime scene DVD; brand: Sony, Model: DVD-R

Report Officer	2567/MITCHELL, JON-PAUL	Printed At	02/03/2020 08:26
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Incident Report STOCKTON POLICE DEPARTMENT

17-13946Supplement No
0026**22 E WEBER ST.****STOCKTON, CA 95202****(209) 937-8495**

Reported Date

04/17/2017

Rpt/Incident Typ

245

Member#

PRYOR KEENER, PAULINE

Administrative Information

Agency	DR	Supplement No	Reported Date	Reported Time
STOCKTON POLICE DEPARTMENT	17-13946	0026	04/17/2017	14:28
CAD Call No	Status	Rpt/Incident Typ		
171060493	RTF INVESTIGATIONS	ASSAULT WITH A DEADLY WEAPON		
Location				City
S FILBERT ST/E WASHINGTON ST				Stockton
ZIP Code	Rep Dist	District	Sector	From Date
95205	0191	PA	PN	04/16/2017
Member#		Assignment	Entered By	From Time
2020/PRYOR KEENER, PAULINE		TRAFFIC	2020	13:03
Prop Trans Stat	Approving Officer	Approval Date	Approval Time	
Successful	1492	04/18/2017	09:19:37	
Assignment		RMS Transfer		
TRAFFIC		Successful		

Summary Narrative

****Supplemental Report****

Modus Operandi

Crime Code(s)

Assaults

Narrative

NOTIFICATION

I, CSO Keener, while working hireback responded to assist with traffic control for this incident. Once on scene, I took over the intersection of Filbert and Market.

I stayed on scene until 2200 hours until the scene had been cleared and released by investigations.

EVIDENCE

None

Report Officer

2020/PRYOR KEENER, PAULINE

Printed At

02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0027



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

Reported Date
04/18/2017
Rpt/Incident Typ
245
Member#
BERGWERFF, ERICK

Administrative Information

Agency	DR	Supplement No	Reported Date	Reported Time
STOCKTON POLICE DEPARTMENT	17-13946	0027	04/18/2017	07:28
CAD Call No	Status	Rpt/Incident Typ		
171060493	REPORT TO FOLLOW	ASSAULT WITH A DEADLY WEAPON		
Location				City
S FILBERT ST/E WASHINGTON ST				Stockton
ZIP Code	Rep Dist	District	Sector	From Date
95205	0191	PA	PN	04/16/2017
From Time				
13:03				
Member#				
2645/BERGWERFF, ERICK				
Assignment	Entered By			
FIELD SERVICE SEAPORT 3RD WATCH PHASE 1	2645			
Assignment	RMS Transfer		Prop Trans Stat	
FIELD SERVICE SEAPORT 3RD WATCH PHASE 1	Successful		Successful	
Approving Officer	Approval Date	Approval Time		
1067	04/18/2017	08:45:44		

Summary Narrative

On 04/18/17 at 0230 hrs, I, Officer Bergwerff (HOSP1), served ARR-Edgar Montoya with an EPO.

BWC activated.

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On 041717 at 1900 hrs, I, Officer Bergwerff (HOSP1), was assigned hospital watch for ARR-Edgar Montoya until 0700 hrs on 041817.

INVESTIGATION :

I received a copy of an EPO that had ARR-Edgar Montoya listed as a restrained party. The EPO had not yet been served. I took the EPO with me to UC Davis Medical Center.

On 041817 at 0228 hrs, I read Montoya the terms of the restraining order verbatim from the copy. I left the copy with Montoya.

I completed a proof of service form and turned it into HQ.

ATTACHMENTS :

None

EVIDENCE :

None

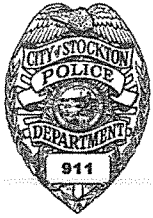
DISPOSITION :

See Original

Report Officer
2645/BERGWERFF, ERICK

Printed At
02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0028

Reported Date
04/18/2017
Rpt/Incident Typ
245
Member#
BROUSSARD, JESSICA

Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0028	Reported Date 04/18/2017	Reported Time 14:57
CAD Call No 171060493	Status EIT REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
Member# 2551/BROUSSARD, JESSICA		Assignment Field Evidence Section		Entered By 2551
Assignment Field Evidence Section		RMS Transfer Successful	Prop Trans Stat Successful	Approving Officer 1293
Approval Date 04/19/2017	Approval Time 11:59:28			
Route - Other Yes				

Summary Narrative

Attention: Detective L. Porta

Processed suspect vehicle. Collected, processed, and booked: firearm; cell phone; ammunition; and projectiles.

Swabs collected and secured to dry.

Modus Operandi

Physical Evidence PHOTOS/FINGERPRINTS/AMMUNITION/Gun/PROJECTILE (BULLET)/CASING
Crime Code(s) Assaults

Narrative

NOTIFICATION :

On 04/18/2017, I, ET J. Broussard (2551), was dispatched to 704 E. Hazelton Ave. (Technique Towing), for photographs at the request of Det. L. Porta. I arrived at 1135 hours.

INVESTIGATION :

I met with Det. Porta and Det. Mohammed. I took photographs of a white Dodge Durango (CA Lic: [REDACTED]), including the following: one expended bullet (placard #1) on the passenger floor board; a pool of apparent blood [A] on the floor board of the second row of seats; and apparent blood stain [B] on the driver seat belt buckle. I collected swabs of the following: possible blood evidence [A]; possible blood stain [B], along with substrate control swabs; and the steering wheel. All swabs were collected using two swabs simultaneously, unless indicated. I packaged and secured all swabs in my vehicle.

I stood by while Detectives searched the vehicle for evidence. I photographed the following items: one black LG cell phone (placard #2) located under the passenger seat; one metal fragment (placard #3) on the driver door step area; one metal fragment (placard #4) on the ground just under the driver door; one expended bullet (placard #5) in the driver door panel (int.); one glass E&J brandy bottle (placard #6) in a black plastic bag near the gear shift; and one silver in color Taurus semi-automatic pistol, with magazine, located in the radio compartment. The firearm was recovered and cleared by Det. Mohammed (2131). One live FC 9mm Luger bullet was removed from the chamber and twenty-nine live FC 9mm Luger bullets were removed from the magazine. At the direction of Det. Mohammed, the contents of the E&J brandy bottle (placard #6) was noted as approximately half full with a brown liquid and disposed of on-scene.

Report Officer 2551/BROUSSARD, JESSICA	Printed At 02/03/2020 08:26
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0028

Narrative

I placarded all items and photographed the vehicle. I collected and secured all items of evidence in my vehicle. I cleared at 1255 hours.

I changed locations to 22 E. Weber Ave. (SEB Evidence Identification Section) and arrived at 1259 hours. I secured all swabs from the tow yard to dry in holding locker #54.

I swabbed the following locations on the Taurus semi-automatic pistol for DNA: barrel; slide; grips; trigger and trigger guard. I swabbed the following locations on the LG cell phone: mouthpiece; ear speaker; and power button. I collected swabs for the E&J brandy bottle and the magazine removed from the Taurus semi-automatic pistol. All swabs were collected using two swabs simultaneously, unless indicated. I packaged and secured all swabs to dry in holding locker #53. I secured the E&J brandy bottle (placard #6) to dry in holding locker #48.

I took additional photographs of items of evidence. I used cyanoacrylate fuming and black powder to process the following: one Taurus semi-automatic pistol, with magazine; one LG cell phone; and thirty live FC 9mm Luger bullets. One latent lift was obtained. At the direction of Det. Porta, the E&J brandy bottle (placard #6) was not processed for latent prints. I packaged, sealed, and booked all items of evidence into the Property Section. I cleared at 1727 hours.

EVIDENCE :

The following digital photographs were turned in to the Photo Unit:
Frames 1-140; tow yard
Frames 141-156; SEB

The following latent lift was turned into the Latents Unit:
Lift #1: slide lock lever on Taurus semi-automatic pistol

Swabs secured in holding lockers #53 & #54.
E&J brandy bottle (placard #6) secured in holding locker #48

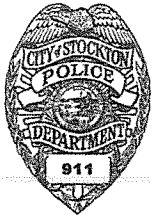
The following item from the scene was booked onto Property Record #B122950:
Item #1- One (1) functional black LG cell phone with cover and LG battery; model NO: LGMS550; FCC ID: ZNFK550BN; S/N: 702VTKE197717; made in Vietnam; under passenger seat; (placard #2)

The following items from the scene were booked onto Property Record #B122953:
Item #1- One (1) silver in color, with black plastic grips, Taurus semi-automatic pistol, with magazine; PT 92 AFS; cal 9mm; PARA; Forjas Taurus S.A.; Made in Brazil; S/N TVG 28266; Taurus INT. MFG. INC; Miami, FL; 4.75 inch barrel
Item #2- One (1) live FC 9mm Luger bullet removed from chamber
Item #3- Twenty-nine (29) live FC 9mm Luger bullets removed from magazine
Item #4- One (1) expended bullet; passenger floor board; ** possible Ofc.**; (placard #1)
Item #5- One (1) metal fragment; driver doorstep area; (placard #3)
Item #6- One (1) metal fragment; below driver door; (placard #4)
Item #7- One (1) expended bullet; driver door panel (int.); ** possible Ofc.**; (placard #5)

Report Officer
2551/BROUSSARD, JESSICA

Printed At
02/03/2020 08:26

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0029

Reported Date
04/18/2017
Rpt/Incident Typ
245
Member#
DEWING, LAUREN RENEE

Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0029	Reported Date 04/18/2017	Reported Time 18:29
CAD Call No 171060493	Status RTF INVESTIGATIONS	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
Member# 2571/DEWING, LAUREN RENEE		Assignment ROBBERY PHASE 1		Entered By 2571
Assignment ROBBERY PHASE 1	RMS Transfer Successful	Prop Trans Stat Successful	Approving Officer 1293	Approval Date 04/20/2017
Approval Time 17:42:52				

Summary Narrative

This crime has been reclassified to an assault with a deadly weapon - 245

Statement of (ARR) Edgar Montoya

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION:

On Sunday 04/16/2017 at approximately 2130 hours, I (Detective Dewing/I-12) responded to UC Davis Medical Center located at 2315 Stockton Blvd, Sacramento, CA. I was accompanied by fellow Team #1 members District Attorney Investigator (DAI) Kari Lacaso and CII Officer Jon Wright. We were there to interview (ARR) Edgar Montoya.

INVESTIGATION:

During the course of the initial investigation, I received updates on the condition of (ARR) Edgar Montoya from Robbery Homicide Sergeant (Sgt.) C. Smith. At approximately 2020 hours, Sgt. Smith advised Montoya was still at UC Davis Medical Center. Montoya was not sedated nor were there immediate plans for he to undergo any medical procedures. Sgt. Smith confirmed Montoya had been shot in the head, but was expected to survive.

At approximately 2026 hours, I contacted SPD dispatch and advised Team #1 would be going to UC Davis to contact Montoya. We arrived at approximately 2130 hours. Upon arrival, I contacted onsite security who advised Montoya was currently in Tower 2, room #11. We responded to Montoya's room and met with SPD Community Response Team (CRT) Officer Arista. Officer Arista confirmed Montoya was the patient in the hospital bed.

I noted Montoya was a Hispanic male adult with multiple visible tattoos, long dark hair and facial hair. He was wearing a medical gown. His hospital bed was leaned back and he was resting on his right side.

Note: The following interview was digitally recorded and has been summarized below. The purpose of the summary is to render an overview of what was described; however, it is not an exact transcription of the recorded interview. The summary should not be viewed as containing only the important facts of the interview. It is intended to provide the reader with a general understanding of what was said; therefore, refer to the recording itself for the exact wording.

STATEMENT OF (ARR) EDGAR MONTOKA:

Report Officer 2571/DEWING, LAUREN RENEE	Printed At 02/03/2020 08:26
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0029

Narrative

I introduced myself to Montoya and advised I was with the Stockton Police Department. Montoya confirmed he was Edgar Montoya by spelling his name. Montoya advised he was on pain medication.

While talking with Montoya, a male hospital employee entered the room. The employee advised Montoya had not received any pain medication for a "few hours." I asked Montoya if he had anything to eat. He advised he didn't. The employee confirmed this.

I explained I had some questions for Montoya, but before any questions I was going to read him his rights. I read Montoya the following from my department issued, printed Miranda card:

You have the right to remain silent.

Anything you say can and will be used against you in a court of law.

You have the right to talk to a lawyer and have him or her present with you while you're being questioned.

If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish.

Do you understand your rights?

Montoya replied, "Yeah." I then asked, "Yeah?" To which he replied in the affirmative, "Mm-hm."

Montoya advised he was 26 years old and his birthday was 11/19/1990. He advised "we" just moved when asked about his address. He confirmed they live in Stockton and advised his address was [REDACTED]. He's been living there for a couple months. He was staying at some apartments in Manteca prior to moving to Stockton.

I asked Montoya what happened today. He replied everything was a "blur" and he "couldn't recall." He did not know when he woke up this morning. He thought the date was the 14th and that it was Wednesday. He knew it was Easter as he and his family were supposed to do an egg hunt at the house. I asked if they had done the egg hunt and he said they did not because, "I'm right here" (referencing being in the hospital).

Montoya could not recall the last thing he was doing prior to coming to the hospital.

I asked who "[REDACTED]" was to him. He advised [REDACTED] was his girlfriend and they had been dating for a year. They do not have any kids together, but she has two (2) kids and he has two (2) kids.

I told Montoya, "Obviously some stuff happened today." Montoya confirmed by saying in the affirmative, "Mm-hm" and asked, "What am I being charged with?" I explained I was there to talk with him and, "Right now, I'm not charging you with anything." Montoya replied, "Oh, okay."

I asked Montoya to account for his day and explain what transpired. I advised I knew something happened with his girlfriend. Montoya asked, "Is she all right?" I replied that she was okay. Montoya advised he and [REDACTED] got into a "confrontation and shit." The confrontation was "somewhere out east... Filbert." The confrontation was outside. It was about something "petty" and they were arguing about jealousy. [REDACTED] mom and their kids were around when they arguing was going on. [REDACTED] mom is [REDACTED].

I asked where the argument was happening. Montoya replied, "You shouldn't be asking me in the state of mind like this so..." He continued to state they got into a confrontation.

Montoya does not remember driving. The car Montoya owns is in the shop. I asked who owned the white Durango and Montoya replied, "She does." I asked Montoya if he had access to it and if he could drive it whenever he wanted. He replied, "Of course" and "the insurance is in my name too." I clarified the car was in her name and the insurance was in his name. Montoya replied, "Yeah, both of ours." I asked Montoya if he had free access to the keys and that it was his car, too. He replied in the affirmative, "mm-hm."

I asked Montoya if he remembered driving the white Durango today. Montoya replied, "Honestly, fuck man... You guys fucking shot me in the head, you fucking... I don't know what the fuck happened afterwards." I asked Montoya if he remembered what happened prior to being shot. He said he did not.

I asked Montoya where he was when he was shot. He replied, "I was driving, no?" I asked if anyone was in the car with him. He believed his "girl" was in the car and he thought she was in the car when he was shot. He

Report Officer
2571/DEWING, LAUREN RENEE

Printed At
02/03/2020 08:26

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0029

Narrative

confirmed none of the kids were in the car.

He does not remember an officer grabbing him. He does not remember interacting with any officers. He does not remember seeing any patrol cars. He does not remember driving on the "Cross Town" freeway.

I explained to Montoya that I needed his "help" in understanding what happened today. He began to say it would be better if we asked him when he wasn't in the hospital. I advised we could talk again, but we needed to talk today. Montoya advised we can be asking these questions he's not "in the bed" and that he "pleads the fifth" if "we were gonna do that right now." He continued by stating he felt we should not be asking him any questions when he's, "shot in the fucking head."

Montoya advised he did not remember ramming a patrol car. He did not remember hitting a citizen who was uninvolved in the confrontation. I asked how it made him feel knowing he hit a citizen. He advised, "I feel bad." I asked what he felt bad for and he replied, "If I did hit somebody." He continued to say, "I didn't say it was me." I asked if Montoya had anything to say to the family. He replied, "If anything, I apologize." I asked if he meant to hit "their car" (the civilian). He advised he had no intention to do "that" and "just to do it."

Montoya stated, "I got shot in the head so most... more than likely I did something wrong, you know. And the worst thing I did was probably hurt my girl." Montoya does not remember physically hurting [REDACTED]. They argue and have pushed each other before.

Montoya became agitated and stated, "For now I plead the fifth. I don't feel comfortable speaking to you. I'd rather just wait till I get a public defender."

Montoya asked [REDACTED] notify his family of what was going on. He confirmed his kids were in a safe place. The interview was then concluded.

(End of Statement)

INVESTIGATION Cont.:

We left UC Davis Medical Center and responded back to Stockton.

ATTACHMENTS:

None

EVIDENCE:

None

DISPOSITION:

Open

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0030



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

Reported Date
04/18/2017
Rpt/Incident Typ
245
Member#
GIURLANI, DANIELLE

Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0030	Reported Date 04/18/2017	Reported Time 22:59
CAD Call No 171060493	Status EIT REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
From Time 13:03				
Member# 2407/GIURLANI, DANIELLE				
Assignment Field Evidence Section-1st Watch Phase 1			Entered By 2407	
Assignment Field Evidence Section-1st Watch Phase 1			RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer 2459	Approval Date 04/19/2017	Approval Time 08:05:26		

Modus Operandi

Physical Evidence PHOTOS/PROJECTILE (BULLET)/CASING/PAINT SAMPLES	Crime Code(s) Assaults
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Narrative

NOTIFICATION :

On 04/16/2017 I, ET D. Adams #2407, was dispatched to S Filbert St/E Washington St to process a scene at the request of Sgt Smith. I arrived at 1415 hours.

INVESTIGATION :

Upon arrival I met with multiple officers and LT Doberneck. I did a walk through of the crime scene including assisting with locating and identifying evidence. Upon the arrival and at the direction of Sgt Smith, I photographed the scene and evidence including casings, paint chips, damaged plastic pieces, and multiple possible bullet strikes (later labeled "A1", "A2", "B", "C", and "D" by DOJ).

I also photographed the following vehicles located within the scene:

white Dodge Durango 4D (CA license [REDACTED]) with damage to the front and rear bumper, left front door/door window, left front door jam, left rear door window, right front and right rear fender, and right front hubcap/wheel;
SPD vehicle #3877 (CA license 1380598) with damage to the passenger side front and rear bumper;
grey Nissan Sentra 4D [REDACTED] with damage to the front end;
SPD vehicle #4115 (CA license 1498354) with damage to the front bumper guard;
SPD vehicle #4116 (CA license 1498355);
green Pontiac Grand Am (CA license [REDACTED]);
grey Ford Ranger 2D (CA license [REDACTED]);
yellow Chevrolet C-10 2D (CA license [REDACTED]);
I cleared the scene at 1618 hours.

I changed location to 22 E Weber Ave. I arrived at 1624 hours. Upon arrival I attended the protocol incident briefing. I cleared at 1803 hours.

I changed location back to S Filbert St/E Washington St. I arrived at 1808 hours. Upon arrival I took additional photographs of the scene including possible tire tracks and a copper jacket. I placarded, photographed, and collected the following items of evidence: Four (4) casings, "FEDERAL 40 S&W" (Placard #1-4) located on Washington St; one (1) sample of paint chips (Placard #5) located on the rear bumper of the white Dodge

Report Officer 2407/GIURLANI, DANIELLE	Printed At 02/03/2020 08:27
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0030

Narrative

Durango; and one (1) copper jacket (Placard #6) located in the gutter of Washington St by the left front tire of the Dodge Durango.

I secured all items of evidence into my police vehicle.

I cleared the scene at 2130 hours.

I changed location to 22 E Weber Ave (Evidence Section). I arrived at 2138 hours. Upon arrival I packaged, booked, and secured all items into the SPD property section. I cleared at 2242 hours.

EVIDENCE :

The following digital photographs were turned into the SPD Photo Unit:

Digital file #158, frames 01-437

The following items of evidence were booked onto property record #B122905:

Item #1- Four (4) casings, "FEDERAL 40 S&W" (Placard #1-4)

Item #2- One (1) sample of paint chips (Placard #5)

Item #3- One (1) copper jacket (Placard #6)

Report Officer
2407/GIURLANI, DANIELLE

Printed At
02/03/2020 08:27

Incident Report STOCKTON POLICE DEPARTMENT

17-13946Supplement No
0031**22 E WEBER ST.
STOCKTON, CA 95202****(209) 937-8495**Reported Date
04/19/2017
Rpt/Incident Typ
245
Member#
TALAMANTES, LUIS

Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0031	Reported Date 04/19/2017	Reported Time 11:51
CAD Call No 171060493	Status REPORT TO FOLLOW	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
From Time 13:03				
Member# 2076/TALAMANTES, LUIS				
Assignment FIELD SERVICE PARK SECOND WATCH PHASE 1			Entered By 2076	
Assignment FIELD SERVICE PARK SECOND WATCH PHASE 1			RMS Transfer Successful	Prop Trans Stat Successful
Approving Officer 1008	Approval Date 04/19/2017	Approval Time 17:02:28		

Summary Narrative

BWC activated.

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On 04/16/17 at about 1313 hours, I, Officer Talamantes (2A73) was dispatched to Filbert/Washington to assist with a disturbance. I arrived at about 1317 hours.

INVESTIGATION :

Upon arrival, there were several units already on scene. I was blocking traffic from coming off of the east bound Filbert off ramp of Highway 4. I was advised via radio to let traffic through and block off south bound traffic at Filbert/Market which I did.

I was later advised to secure the scene at about 1400 hours.

On 04/17/17 at about 1219 hours, I, Officer Talamantes (HOSP2) was working guar duty at UC Davis Medical Center. I was task with guarding (SUS-Montoya, Edgar) while he received medical treatment.

At about 1219 hours I was given metal fragments by RN Henderson. The fragments had been removed from Montoya's head during surgery. The fragments were sealed in a medical envelope. I took charge of it and later booked it into evidence.

ATTACHMENTS :

None

EVIDENCE :

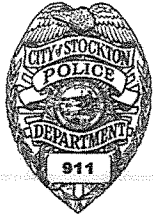
Booked metal fragments into evidence.

DISPOSITION :

See original.

Report Officer
2076/TALAMANTES, LUISPrinted At
02/03/2020 08:27

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0032

Reported Date
04/19/2017
Rpt/Incident Typ
245
Member#
MARTIN, CHRISTOPHER

Administrative Information									
Agency STOCKTON POLICE DEPARTMENT		DR 17-13946		Supplement No 0032		Reported Date 04/19/2017		Reported Time 17:16	
CAD Call No 171060493		Status RTF SPECIAL ENFORCEMENT TEAMS				Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON			
Location S FILBERT ST/E WASHINGTON ST								City Stockton	
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03				
Member# 1683/MARTIN, CHRISTOPHER				Assignment COMMUNITY RESPONSE TEAM				Entered By 1683	
Assignment COMMUNITY RESPONSE TEAM		RMS Transfer Successful		Prop Trans Stat Successful		Approving Officer 1683			
Approval Date 04/19/2017		Approval Time 22:02:04							

Modus Operandi	
Crime Code(s) Assaults	

Narrative

NOTIFICATION :

At 1303 hours, I (Sgt C.Martin - Y6) responded to Filbert/Main to assist with an officer involved shooting.

INVESTIGATION :

Upon my arrival, I assisted with traffic control by having units block off northbound and southbound traffic at the intersections surrounding the incident. Shortly thereafter, AMR advised they would be transporting the suspect to UC Davis Medical Center in Sacramento. I requested an additional unit, however the next available unit was coming from the police department with an 5 minute ETA. Due to the suspects injuries, AMR advised they couldn't wait therefore I got into the ambulance and went with them to UC Davis.

While responding , the suspect (**Edgar Montoya**) was alert and conscious the entire time. He was able to communicate with paramedics without any trouble and at one point laughed about a joke they made about their equipment.

During my entire presence, Montoya did not give any spontaneous statements nor did he say anything about the shooting.

Upon our arrival at UC Davis, medical staff immediately tended to Montoya. Within approximately 20 minutes, they took Montoya to another room in order to scan is head. Prior to doing so, I talked to the Chief Resident who stated Montoya's head was swollen but that his injuries were not life threatening.

Once the scan was complete, I spoke to the assigned nurses who advised the bullet penetrated Montoya's skull however stopped before doing any further damage. During my conversation, the nurses where not sure if the doctor's were going to do surgery. I passed this information to Lt. Bedford and Lt. Doberneck

Officer Barrington and Officer Altamirano arrived with my patrol vehicle and to stand-by with Montoya. Refer to their subsequent report for further details.

DISPOSITION :

Refer to original

Report Officer 1683/MARTIN, CHRISTOPHER	Printed At 02/03/2020 08:27
Page 1 of 1	

Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0033



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

Reported Date
04/20/2017
Rpt/Incident Typ
245
Member#
ESTRADA, JOSE

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0033	Reported Date	04/20/2017	Reported Time	13:50
CAD Call No	171060493	Status	REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON				
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017
								From Time	13:03
Member#	2267/ESTRADA, JOSE			Assignment	PROPERTY CRIME PHASE 1			Entered By	2267
Assignment	PROPERTY CRIME PHASE 1		RMS Transfer	Successful	Prop Trans Stat	Successful		Approving Officer	1293
Approval Date	04/20/2017		Approval Time	17:43:56					
Route - None	Yes								

Summary Narrative

SUPPLEMENTAL REPORT

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

I (Detective Estrada, I-48) assisted on this investigation.

INVESTIGATION :

On 04/18/17 Detective Donovan requested I assist with this investigation. Specifically, he requested I assist him by downloading a cellular telephone. Detective Donovan told me that on 04/18/17 the honorable Elizabeth Humphreys, Judge of the Superior Court of California, County of San Joaquin had signed a search warrant authorizing a search of the cell phone.

I first confirmed the date and time were correct on both the PC and the Cellebrite Universal Forensic Extraction Device (UFED). The IMEI's (International Mobile Equipment Identifier) was printed on the back of the phone behind the battery. I followed the UFED onscreen instructions and performed the following **Logical/File System** extraction of the devices:

Summary

UFED Physical Analyzer version 6.1.0.202
Report creation time 4/18/2017 7:06:16 PM -07:00
Time zone settings (UTC) Original UTC value
Case number 17-13946
Case name **Black LG LGMS550 Stylo 2 Plus**
Evidence number **B122950 #1**
Examiner name J Estrada
Department Stockton Police Department
Notes IMEI: 355790081977172
Source Extraction

File System

Report Officer	2267/ESTRADA, JOSE	Printed At	02/03/2020 08:27
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0033

Narrative

Extraction start date/time 4/18/2017 5:48:46 PM(UTC-7)

Extraction end date/time 4/18/2017 5:51:31 PM(UTC-7)

Unit Identifier UFED S/N 5910124

UFED Version 6.1.0.140

Internal Version 4.5.2.140

Selected Manufacturer LG GSM

Selected Device Name MS550 Stylo 2 Plus

Connection Type Cable No. 100

Extraction Type File System [Android Backup]

Extraction ID CFFBF08A-17C1-4295-B9C2-4216249110A2

Selected Manufacturer: LG GSM

Selected Model: MS550 Stylo 2 Plus

Detected Manufacturer: MetroPCS

Detected Model: LGMS550

Source Extraction: Logical

Revision: 6.0.1 MXB48T 1707714034572

IMEI: 355790081977172

ICCID: 8901260323960721589

IMSI: 310260326072158

Extraction start date/time: 04/18/2017 18:15:11

Extraction end date/time: 04/18/2017 18:34:10

Phone Date/Time: 04/14/2017 13:52:01 (GMT-7)

Connection Type: USB Cable

UFED Version: Product Version: 6.1.0.140 , Internal Build: 4.5.2.140 UFED

UFED S/N: 5910124

During the extraction process the data was transferred from the cell phone to a hard drive on the PC. I compared and image/text from the above reports to the devices and found them to be the same. I transferred the files from the extraction to optical media and gave it to Detective Donovan to be booked into evidence. I also returned the cell phones to Detective Donovan.

ATTACHMENTS :

None

EVIDENCE :

The Optical media containing the extracted data was given to Detective Donovan to be booked into evidence.

DISPOSITION :

Refer to original.

Report Officer
2267/ESTRADA, JOSE

Printed At
02/03/2020 08:27

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0034

Reported Date
04/20/2017
Rpt/Incident Typ
245
Member#
RASH, KELSEY

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0034	Reported Date	04/20/2017	Reported Time	15:36		
CAD Call No	171060493	Status	EIT REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON						
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton		
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017	From Time	13:03
Member#	2564/RASH, KELSEY			Assignment	Field Evidence Section			Entered By	2564		
Assignment	Field Evidence Section		RMS Transfer	Successful		Prop Trans Stat	Successful		Approving Officer	2459	
Approval Date	04/20/2017		Approval Time	17:06:29							

Summary Narrative

ATTN: DET L. DEWING #2571

I (ET K.RASH #2564) assisted evidence collection from the search warrant.

Modus Operandi

Physical Evidence
DNA EVIDENCE (OTHER THAN ORAL SWAB) / KNIFE / PHOTOS / PROJECTILE
(BULLET) / CASING
Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On 4/20/2017 I (ET K.RASH #2564) was dispatched to [REDACTED] to assist with evidence from a search warrant.

I arrived at 1149 hours.

INVESTIGATION :

Before arrival I attended a briefing, by Det L. DEWING #2571, on the search warrant. The briefing occurred at 1115 hours at 22 E Weber Ave (Investigations Division).

At 1131 hours I changed locations to [REDACTED] and I arrived at the search warrant location at 1149 hours. Upon arrival I took overall photographs of the residence.

I took additional photographs as instructed by detectives to include:

Room A: Living Room

- one(1) Green Bay Packer hat on speaker next to tv stand along south wall
- one(1) piece of paper with writing underneath a blue "Playstation 4" on the tv stand
- writing inside the front cover of "The Aztecs" book on tv stand
- one(1) cell phone with charger on the couch
- one(1) cell phone on the ottoman of the couch

Room B: Kitchen

-two(2) papers for Superior Court of California, County of Alameda on northwestern most top cabinet along north wall

Report Officer	2564/RASH, KELSEY	Printed At	02/03/2020 08:27
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Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0034

Narrative

-Indecia in northwestern most top drawer along north wall

Room F: Bathroom

-one(1) medical bracelet for [REDACTED], admitted [REDACTED]

Room E: West Room

- one(1) grey Jordan shoe box in the northeast top cabinet of closet
- misc indecia in the form of paperwork found in grey Jordan shoe box
- one(1) black claw like weapon with three fixed blades

Room D: North Room

- one(1) cell phone found in southeast corner of room on the floor
- one(1) red cooler found in top southeast cabinet of closet
- one(1) white box of Federal Ammunition ammo, containing eleven(11) live bullets, found in red cooler
- one(1) white Nike sock with twenty-two(22) live bullets found in red cooler
- one(1) black ammo magazine, loaded, capacity of seventeen(17) plus rounds
- black and red hats located in the top southwest cabinet of closet
- one(1) orange bag hanging in the southwest closet door side containing misc indecia
- indecia located in two(2) plastic drawers in the northwest corner of the room

I collected the following as evidence:

- one(1) black claw weapon with sheath
- one(1) white ammo box of Federal Ammunition
- one(1) white sock with live bullets
- one(1) black ammo magazine with bullets

I secured all evidence in my vehicle.

After I collected evidence I took overall photographs to document the state of the residence. I also took photographs of the search warrant and property receipt.

At 1322 hours I changed locations to 22 E Weber Ave (Evidence Identification Section) and arrived at 1338 hours.

Upon arrival I collected two(2) simultaneous swabs for possible DNA from the exterior top/base of the black ammo magazine found in Room D: North Room. I collected two(2) simultaneous swabs of water blanks from Lot #15D16.

I secured the swab evidence in evidence locker # 42 to dry and be booked at a future date.

I took additional photographs of evidence collected on scene.

I cyanoacrylate fumed and black powder dusted the following items:

- One(1) black ammo magazine
- Twenty-two(22) live bullets, .223 caliber
- Seventeen(17) live bullets, 9mm caliber

I obtained zero(0) latent lifts.

I packaged and booked evidence onto property record B123003.

I cleared at 1625 hours.

EVIDENCE:

(Photographs)

I turned in frames 1-259 to the Photo Unit

(Latents)

None

Report Officer
2564/RASH, KELSEY

Printed At
02/03/2020 08:27

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0034

Narrative

(Physical Evidence)

I turned in the following physical evidence to the Property Section on property record B123003:

Item 1: One(1) claw like weapon with three fixed blades, black, with attached black sheath; found in grey Jordan box in northeast top cabinet of closet; Room E: West Room

Item 2: One(1) small white box of Federal Ammunition, fifty(50) rounds of 9mm Luger type, eleven(11) live bullets remaining in box, emptied; found in red cooler in top southeast cabinet of closet; Room D: North Room

Item 3: Eleven(11) live bullets, headstamps: FC 9MM LUGER, removed from Federal Ammunition box

Item 4: One(1) white Nike sock, containing twenty-two(22) live bullets; found in red cooler in top southeast cabinet of closet; Room D: North Room

Item 5: Eleven(11) live bullets removed from white Nike sock, headstamps: HORNADY 223 REM; Room D: North Room

Item 6: Ten(10) live bullets removed from white Nike sock, headstamps: GFL 223 REM; Room D: North Room

Item 7: One(1) live bullet removed from white Nike sock, headstamp: A USA 223 REM; Room D: North Room

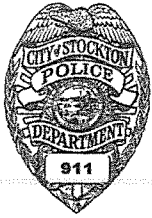
Item 8: One(1) ammo magazine, brand unknown, black, loaded with seventeen(17) live bullets with a 17 plus round capacity, emptied, found in red cooler in top southeast cabinet of closet; Room D: North Room

Item 9: Seventeen(17) live bullets removed from unknown brand ammo magazine removed from Room D: North Room, headstamps: BLAZER 9mm LUGER (6), WIN 9mm LUGER (6), FC 9mm LUGER (5); Room D: North Room

Report Officer
2564/RASH, KELSEY

Printed At
02/03/2020 08:27

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0035

Reported Date
04/22/2017
Rpt/Incident Typ
245
Member#
BROUSSARD, JESSICA

Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0035	Reported Date	04/22/2017	Reported Time	13:44
CAD Call No	171060493	Status	EIT REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON				
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017
								From Time	13:03
Member#	2551/BROUSSARD, JESSICA			Assignment	Field Evidence Section			Entered By	2551
Assignment	Field Evidence Section		RMS Transfer	Successful	Prop Trans Stat	Successful	Approving Officer	2459	
Approval Date	04/24/2017		Approval Time	08:47:09					

Summary Narrative

Attention: Detective L. Porta

Booked swabs

Modus Operandi

Physical Evidence	Crime Code(s)
DNA EVIDENCE (OTHER THAN ORAL SWAB)/GLASS BOTTLE	Assaults

Narrative

NOTIFICATION :

On 04/22/2017, at 1342 hours I, ET J. Broussard (2551), returned to 22 E. Weber Ave. (SEB Evidence Identification Section) to book items into the Property Section.

INVESTIGATION :

I removed all items of evidence from holding lockers #48, 53, and 54. I sealed all items of evidence. I booked the items into the Property Section. I cleared at 1513 hours.

EVIDENCE :

The following items from 22 E. Weber Ave. were booked onto Property Record #B123065:

- Item #1- Two (2) swabs collected from a silver in color, with black plastic grips, Taurus semi-automatic pistol; PT 92 AFS; cal 9mm; PARA; Forjas Taurus S.A.; Made in Brazil; S/N TVG 28266; Taurus INT. MFG. INC; Miami, FL; 4.75 inch barrel
- Item #2- Two (2) swabs collected from magazine; removed from Taurus semi-automatic pistol
- Item #3- Two (2) swabs collected from a functional black LG cell phone with cover and LG battery; model NO: LGMS550; FCC ID: ZNFK550BN; S/N: 702VTKE197717; made in Vietnam; under passenger seat
- Item #4- Two (2) swabs collected from empty glass E&J Brandy bottle; 80 proof; 40% Alc by Vol; VS Very Special; original extra smooth; 375ml
- Item #5- Two (2) water blank swabs

The following items from 704 E. Hazelton Ave. were booked onto Property Record #B123066:

- Item #1- Two (2) swabs collected from an apparent blood pool [A] on the floor board of the second row of seats
- Item #2- Two (2) swabs collected from an apparent blood stain [B] on the driver seat belt buckle
- Item #3- Two (2) swabs collected as substrate control for an apparent blood stain [B] on the driver seat belt buckle
- Item #4- Two (2) swabs collected from the steering wheel

Report Officer	Printed At
2551/BROUSSARD, JESSICA	02/03/2020 08:27

Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0035

Narrative

Item #5- Two (2) water blank swabs

Item #6- One (1) empty glass E&J Brandy bottle; 80 proof; 40% Alc by Vol; VS Very Special; original extra smooth; 375ml; (placard #6)

Report Officer
2551/BROUSSARD, JESSICA

Printed At
02/03/2020 08:27

Incident Report STOCKTON POLICE DEPARTMENT



22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No
0036

Reported Date
04/24/2017
Rpt/Incident Typ
245
Member#
DONOVAN, ANDREW

Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0036	Reported Date 04/24/2017	Reported Time 17:40
CAD Call No 171060493	Status RTF INVESTIGATIONS	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
Member# 2331/DONOVAN, ANDREW			From Time 13:03	
Assignment ROBBERY PHASE 1	RMS Transfer Successful	Prop Trans Stat Successful	Assignment ROBBERY PHASE 1	Entered By 2331
Approval Time 17:16:53			Approving Officer 1293	Approval Date 04/25/2017

Summary Narrative

Canvass interviews

SUBJECT INVOLVED 1:

Involvement SUBJECT INVOLVED	Invl No 1
--	---------------------

SUBJECT INVOLVED 2:

Involvement SUBJECT INVOLVED	Invl No 2
--	---------------------

Report Officer 2331/DONOVAN, ANDREW	Printed At 02/03/2020 10:55
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Incident Report
STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0036

SUBJECT INVOLVED 3:

Involvement

SUBJECT INVOLVED

Invl No

3

SUBJECT INVOLVED 4:

Involvement

SUBJECT INVOLVED

Invl No

4

Modus Operandi

Crime Code(s)

Assaults

Narrative

NOTIFICATION :

On Sunday 04/16/17, at approximately 1330 hours, I (Detective Donovan/114) was advised of an officer involved shooting that had occurred at approximately 1310 hours in the area of South Filbert Street/East Washington Street. I responded from my residence and arrived at the Stewart Eberhart Building (SEB) at approximately 1445 hours.

INVESTIGATION :

I attended the protocol briefing at the SEB and was assigned to Team #2 with DAI Novetzke and CII Officer GarciaRangel. Team #2 was assigned with interviewing VIC (Listed in Officer Konoske's report (Original) as (VIC) Jane Doe), VIC- [REDACTED] (Listed as VIC- [REDACTED] in Officer Cortes report (Supplement 0003)) at the SEB. Team #2 was also assigned with interviewing WIT- [REDACTED] (Listed as WIT #3 in Officer Cortes report (Supplement 0003)) and WIT- [REDACTED] (Listed as WIT #2 in Officer Cortes report (Supplement 0003)). (All four interviews are covered in a subsequent report).

Team #2 also conducted a canvass of the neighborhood and obtained statements from the following subjects:

[REDACTED] interviewed at [REDACTED] on 04/16/17
(covered in subsequent report).

[REDACTED] interviewed at [REDACTED] on 04/16/17 (covered in
DAI Novetzke's report).

[REDACTED] interviewed at [REDACTED] on 04/16/17 (covered in
DAI Novetzke's report).

[REDACTED] interviewed at [REDACTED] on 04/17/17 (covered in
subsequent report).

[REDACTED] interviewed at [REDACTED] on 04/17/17 (covered in
subsequent report).

Report Officer
2331/DONOVAN, ANDREW

Printed At
02/03/2020 10:55

Incident Report STOCKTON POLICE DEPARTMENT

17-13946

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0036

Narrative

██████████ at ██████████ on 04/17/17 (covered in DAI Novetzke's report).

██████████ at ██████████ on 04/17/17 (covered in DAI Novetzke's report).

██████████ at ██████████ on 04/17/17 (covered in subsequent report).

██████████ at ██████████ on 04/17/17 (covered in subsequent report).

██████████ at ██████████ on 04/17/17.

██████████ at ██████████ 04/17/17

██████████ of ██████████ at ██████████ on 04/17/17.

██████████ at ██████████ 04/18/17.

██████████ of ██████████ on 04/19/18 (covered in subsequent report).

On Monday 04/17/17, at approximately 1147 hours, I (along with Team #2) obtained the following statement in summary at ██████████:

STATEMENT OF (SUB) ██████████:

██████████ stated he was sitting inside with his kids and heard "the car" skid out. ██████████ stated it was not unusual to hear cars "skidding" out near the corner. ██████████ stated then he heard around 3 gunshots.

██████████ stated he had a surveillance system with audio but did not know how to access it and would have to have his brother in law assist him. ██████████ agreed to have other detectives come to his home and try and get the surveillance video.

(End of Statement)

On Monday 04/17/17, at approximately 1154 hours, I (along with Team #2) obtained the following statement in summary at ██████████ Street:

STATEMENT OF (SUB) ██████████:

██████████ stated she was inside her home and didn't hear anything. ██████████ stated they came outside around 1400 hours and saw that the street was blocked off.

(End of Statement)

On Monday 04/17/17, at approximately 1203 hours, I (along with Team #2) obtained the following statement in summary at ██████████:

STATEMENT OF (SUB) ██████████:

I asked ██████████ if I could talk to him about what happened "out here" yesterday.

██████████ stated "I got nothing to say, I didn't see anything"

██████████ then provided me with his name and date of birth.

(End of Statement)

On Tuesday 04/18/17, I (along with Team #2) responded back to ██████████ and met with ██████████. I provided ██████████ an optical media card that he was able to place the video that he stated he took on 04/16/17. I later copied the video to a CD-R and booked it in the property room under property tag B123118.

On Tuesday 04/18/17, at approximately 1013 hours, I (along with Team #2) obtained the following statement in summary at ██████████:

Report Officer
2331/DONOVAN, ANDREW

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02/03/2020 10:55

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STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0036

Narrative

STATEMENT OF (SUB) [REDACTED] :

[REDACTED] did not open his security screen preventing us from seeing him.

[REDACTED] stated that he was watching TV and heard 4 gunshots around 2 or 3. [REDACTED] stated he heard the gunshots then heard people yelling. [REDACTED] stated he looked out his front door but never came outside.

(End of Statement)

ATTACHMENTS :

None

EVIDENCE :

CD-R containing video footage from [REDACTED] booked under property tag B123118.

DISPOSITION :

Refer to original.

Report Officer

2331/DONOVAN, ANDREW

Printed At

02/03/2020 10:55

(209) 937-8495

Supplement No
0037

Reported Date
04/25/2017
Rpt/Incident Typ
245
Member#
DEWING, LAUREN RENEE

Agency STOCKTON POLICE DEPARTMENT		DR 17-13946		Supplement No 0037		Reported Date 04/25/2017		Reported Time 09:54	
CAD Call No 171060493		Status RTF INVESTIGATIONS		Rpt/Incident Type ASSAULT WITH A DEADLY WEAPON					
Location S FILBERT ST/E WASHINGTON ST								City Stockton	
ZIP Code 95205		Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017		From Time 13:03		
Member# 2571/DEWING, LAUREN RENEE					Assignment ROBBERY PHASE 1		Entered By 2571		
Assignment ROBBERY PHASE 1		RMS Transfer Successful		Prop Trans Stat Successful		Approving Officer 1293		Approval Date 04/25/2017	
Approval Time 17:20:53									

Subsequent Report

VICTIM 1: JOHNSON, ROBERT LOUIS III

Involvement	Invl No	Type	Name
VICTIM	1	Individual	JOHNSON, ROBERT LOUIS III

[illegible][illegible]

Involvement	Invl No	Type	Name
VICTIM	2	Individual	RODRIGUEZ, BRANDON

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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Crime Code(s)
Assaults

NOTIFICATION:

Report Officer
2571/DEWING, LAUREN RENEE

Printed At
02/03/2020 10:55

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0037

Narrative

On Sunday, April 16th, 2017, I (Detective Dewing/I-12) along with District Attorney Investigator (DAI) K. Lacaso interviewed Stockton Police Department Officer Robert Johnson.

INVESTIGATION :

During the course of the investigation, Officer Johnson and his attorney, Zeb Davis were led into interview room number 1 located at the Stewart Eberhardt Building (SEB). DAI Lacaso and I met with Officer Johnson. He gave the following statement in summary:

The following was recorded and has been summarized below. The purpose of the summary is to render an overview of what was described; however, they are not transcriptions of the recording. The summary should not be viewed as containing only the important facts of the recording. They are intended to provide the reader with a general understanding of what was said; therefore, refer to the recording itself for the exact wording.

Video times have been noted on the summary for reference purposes.

Video times have been noted on the summary for reference purposes.

(Interview begins 18:06:39 video time)

(Detective Dewing, DAI Lacaso, Officer Johnson and Attorney Davis enter the room at 18.16.19)

STATEMENT OF Officer R. Johnson:

Detective Dewing: Where ever you want to sit.

Officer Johnson: I'll sit here. I'm sorry about that.

Attorney Davis: I don't want to make you feel like you're trapped back in the corner.

Officer Johnson: That's alright.

Detective Dewing: Yeah. Comfortable there?

Officer Johnson: Yes.

Detective Dewing: So, I'm Lauren Dewing with Stockton Police Department.

Officer Johnson: Hello Lauren Dewing, good to meet you.

Detective Dewing: And then partner.

DAI Lacaso: Kari Lacaso with the San Joaquin County District Attorney's Office. I'm an Investigator.

Officer Johnson: How you doing.

Detective Dewing: Today is April 16th, 2017. And it is a Sunday. It's Easter. And it is about 6:17 P.M. So if at any point you need a break. Just let us know.

Officer Johnson: OK.

Detective Dewing: OK? And then I'm sorry what was your name?

Attorney Davis: It's Zeb Davis. I'm with Mastagni.

Detective Dewing: OK. So obviously we're here as a result of an officer involved shooting. And what we'll start with is everything related to you. Everything related to what happened with the call. So if you can just start by your full name, your badge number and your current assignment.

Officer Johnson: OK. Robert Louis Johnson the third. Badge 1327. And I work patrol, day shift, phase one.

Detective Dewing: OK. And you're an FTO as well, right?

Officer Johnson: Correct.

Report Officer
2571/DEWING, LAUREN RENEE

Printed At
02/03/2020 10:55

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0037

Narrative

Detective Dewing: And then today you had a trainee with you?

Officer Johnson: I did.

Detective Dewing: And how long have you guys been a partner car?

Officer Johnson: Well officially we've been together I think this is our fifth day this month together. But I filled in with him last month for three, four days.

Detective Dewing: OK.

Officer Johnson: So about eight, nine days total.

Detective Dewing: And do you know how long he's been in the program?

Officer Johnson: This is the start of his third month.

Detective Dewing: OK. And how long have you been with the police department?

Officer Johnson: Sworn for a little over twenty years. And a volunteer for two years prior.

Detective Dewing: And then any prior law enforcement experience?

Officer Johnson: No.

Detective Dewing: As far as your shift today, what time did it start?

Officer Johnson: Six in the morning.

Detective Dewing: And then were you guys assigned to a specific district?

Officer Johnson: We were assigned to Park District. South-east Stockton.

Detective Dewing: And your unit?

Officer Johnson: 2D25.

Detective Dewing: 2D25. And then is this the same uniform that you were wearing earlier today?

Officer Johnson: Yes.

Detective Dewing: And have you changed at all? Anything as far as equipment aside from your gun change?

Officer Johnson: No.

Detective Dewing: Comfortable in this for right now?

Officer Johnson: Yes.

Detective Dewing: So, earlier today what were some of the calls prior to the one that we're investigating right now that you guys had been dispatched to?

Officer Johnson: Oh, throughout the day? I think the morning we started out with a burglary of a business on Fremont Street. Fremont and Filbert. We had a few odds and ends. We had a domestic violence suspect kind of somewhat barricaded in the house. We had a prior.

Detective Dewing: Mm hmm.

Officer Johnson: Arrested that guy. I don't really remember too much in between that.

Detective Dewing: OK. Were you driving today or was your partner?

Officer Johnson: My partner was.

Report Officer
2571/DEWING, LAUREN RENEE

Printed At
02/03/2020 10:55

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0037

Narrative

Detective Dewing: Partner? Is that typical for this partner car?

Officer Johnson: Yes.

Detective Dewing: And do you recall prior to this specific call that we're investigating now, what you guys were on immediately prior to this?

Officer Johnson: No, I can't, I can't say I remember what we were on.

Detective Dewing: OK, that's fine. So, we'll start with what you guys were initially dispatched to. Prior to the shooting. And if you can just start with what you initially remember and then we'll fill in stuff from there.

Officer Johnson: We were dispatched to a report of a domestic battery. With the victim at Fremont and Washington. Borrowing somebody's cell phone. And had said that her, I don't remember if it was her boyfriend or husband. But that he had battered her. And I think they were either in route from Manteca this way or back to Manteca. And they got off the freeway there. And she was borrowing a phone to call us.

Detective Dewing: And so from the time that you guys are initially dispatched. Do you recall what time that was at?

Officer Johnson: No, I, I can't imagine, can't imagine it took us too long to get there. Because we just zipped right down the crosstown freeway to get there. We went crosstown to Filbert and came off on Filbert.

Detective Dewing: OK. And you said your partner was driving.

Officer Johnson: Yes.

Detective Dewing: And you guys get off on Filbert and then do you remember what direction you go?

Officer Johnson: Yeah, we went, turned right and went southbound.

Detective Dewing: Southbound on Filbert. And when you're going southbound are you guys getting any updates of any sort?

Officer Johnson: I don't remember any updates. It was a pretty, just kind of a basic call. I don't think anything fresh was coming in.

Detective Dewing: OK. And as you guys are continuing southbound on Filbert. What do you do?

Officer Johnson: We just continue southbound. The first street south of, I guess pretty much the off ramp of Filbert dumps off onto Market Street I believe it is.

Detective Dewing: Mm hmm.

Officer Johnson: And we made that southbound turn, the very next street. Was at an intersection, was our call location at Filbert and Washington.

Detective Dewing: OK.

Officer Johnson: So we went south and then made the right hand westbound turn onto Washington.

Detective Dewing: OK.

Officer Johnson: And I remember looking up and seeing the suspect vehicle still sitting there in the middle of the road.

Detective Dewing: And what did that car look like?

Officer Johnson: It's like a white Durango. I don't even remember what year it was. It wasn't the brand-new style. But it wasn't the, it was the style right before what's out right now. Like a white Ford or Durango.

Report Officer
2571/DEWING, LAUREN RENEE

Printed At
02/03/2020 10:55

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0037

Narrative

Detective Dewing: And so, would it help you if I showed you some maps too? As far as like you know what I mean.

Officer Johnson: You know I'm pretty familiar with this area but yeah.

Detective Dewing: OK. For me more so, so I get an idea where things are. So, these first two are further out. This is going to be more of the Google Earth with the trees and driveways and all that.

Officer Johnson: OK.

Detective Dewing: And then this will be more of the generic streets, but you can see it a little bit easier.

Officer Johnson: OK.

Detective Dewing: And then this is going to be more of a closed in of Filbert and Washington.

Officer Johnson: OK.

Detective Dewing: So, for, as far as orientation.

Officer Johnson: North, south, east, west.

Detective Dewing: Right. So you guys are going southbound on Filbert. Right?

Officer Johnson: Correct.

Detective Dewing: And then does this show the area of where you initially see that Durango?

Officer Johnson: Yes, as soon as we turn, made the corner westbound we can see it right here in the middle of the road.

Detective Dewing: OK. So I'll get a pen. So you guys are coming southbound? And then about where if you want to draw on this map where you guys see the car.

Officer Johnson: I mean just, just as we just start making the turn. Because it was only two to three houses down.

Detective Dewing: OK.

Officer Johnson: And again like I said, it was right in the middle of the road. So it stood out pretty good. A bright white Durango.

Detective Dewing: OK.

Officer Johnson: So immediately we started making the turn, we can see the car sitting here.

Detective Dewing: OK. And so once you see the car. Do you say anything? Or do you do anything?

Officer Johnson: Yeah, I told, I told my partner as we were going. I said, hey, cause, cause we're around the corner. It looked like the driver had been looking off to his right talking out a passenger side or window or something.

Detective Dewing: Mm hmm.

Officer Johnson: And I saw a few people in the street. Or on the sidewalk. Looked like he was having a conversation with them. And then as he saw us, he kind of looked up and maybe for lack of a better term. You know twenty years I call it the oh shit look.

Detective Dewing: Yeah.

Officer Johnson: He looked and is like, there's the cops. And immediately it looked like he was kind of looking around, like what am I going to do here.

Report Officer
2571/DEWING, LAUREN RENEE

Printed At
02/03/2020 10:55

Incident Report

STOCKTON POLICE DEPARTMENT

17-13946

Supplement No
0037

Narrative

Detective Dewing: Right.

Officer Johnson: So I told my partner, nose in on that car. Up against that bumper so he can't go anywhere. So as we come in, partner didn't quite get as close as I'd like. I told him nose up, forward more. Still not quite as close as I would desire. But he nosed in towards the car. And from there, I immediately bailed out of the passenger seat and started going. Because he was looking around and I thought he was going to take off.

Detective Dewing: Mm hmm.

Officer Johnson: So I went out of the passenger seat and approached the driver's side of the car.

Detective Dewing: And do you recall turning on your body camera?

Officer Johnson: Yeah.

Detective Dewing: At what point did you do that?

Officer Johnson: As I was rounding my driver, right at my passenger door. As I was rounding around the front drawing my weapon I clicked my camera on.

Detective Dewing: OK. And so you get out of the passenger side and you approached the driver's side of the suspect vehicle?

Officer Johnson: Correct.

Detective Dewing: Could you see anybody else in the car?

Officer Johnson: No it appeared that no one else is inside.

Detective Dewing: And once you approached the driver's side, do you have a conversation with him?

Officer Johnson: yeah.

Detective Dewing: And by him I mean the suspect in the car.

Officer Johnson: Yeah, I think I was telling something like, get your hands up and I kind of because there were some people off to the side of the car. I kind of backed up more towards the passenger door. To angle myself that if anything was to happen, I wasn't firing towards people on the sidewalk and it would have been more at a clear angle where I didn't notice anybody else over here.

Detective Dewing: Right. So, these people that you see that are on the passenger side of his car. Are they standing up more towards like the sidewalk or are they in the street?

Officer Johnson: I believe they were more towards the, they weren't in the street that I can remember. As we rounded I could see the heads and stuff over the car.

Detective Dewing: Mm hmm.

Officer Johnson: But his car was kind of blocking their lower portion of their bodies. But I believe they were up here on the sidewalk.

Detective Dewing: And how many people would you say there were?

Officer Johnson: I think there was three. From what I can remember.

Detective Dewing: In the conversation that the suspect and in the, in the vehicle appeared to be having. Was it a friendly conversation? Was he?

Officer Johnson: I couldn't tell because my window was up.

Detective Dewing: OK.

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Officer Johnson: So, I could tell that they was talking. And he was facing them and they, appeared they were talking. But I couldn't hear if it was yelling or what. I remember getting out of the car and not hearing anything anymore.

Detective Dewing: OK.

Officer Johnson: Cause he was focused on us and not these folks anymore.

Detective Dewing: Right. So, you get out of the passenger side. You approach his driver's side.

Officer Johnson: Correct.

Detective Dewing: You take into account that there are people, I guess in your background of him.

Officer Johnson: Correct.

Detective Dewing: And, and move your positioning to more of the rear passenger side.

Officer Johnson: Yes.

Detective Dewing: On the driver's side. Right?

Officer Johnson: Correct. Yeah.

Detective Dewing: Where is your partner during all of this? If you know.

Officer Johnson: Yeah, from what I remember he was getting out of the car. He, he's a new guy, a little bit kind of hesitant. He doesn't quite always know what to do. So, kind of looks to me for guidance.

Detective Dewing: Mm hmm.

Officer Johnson: I remember out of the corner of my eye I seen he was up near towards our patrol car still. So I yell, 'Brandon get over here.'

Detective Dewing: Mm hmm.

Officer Johnson: And at the time I had my gun out pointing at the guy telling him to get his hands up. And I yelled, 'Brandon get over here.'

Detective Dewing: What, what decision making did you, or what made you decide to draw your gun right away?

Officer Johnson: Because he had a look like he was going to bolt. I mean I've seen that look numerous times in twenty years and I was convinced he was going to bolt.

Detective Dewing: So when you described this, oh shit, look that he has on his face. If you had to describe that verbally, what would you say that is?

Officer Johnson: Just kind of all, all, like a look of panic. Maybe a look of fear. You know scared. That OK, the cops are here.

Detective Dewing: And when you initially saw him, he didn't have that look when he's looking at the guys on the passenger side outside of his car.

Officer Johnson: Correct. I couldn't see his face, but he looked like he was just carrying on a conversation and that was his whole focus right there.

Detective Dewing: And it wasn't until he looks and sees you guys in a marked patrol car, right?

Officer Johnson: Correct.

Detective Dewing: That he has this look.

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Officer Johnson: Yes.

Detective Dewing: OK. So, back to you guys are out of the car. You're telling Brandon to come towards you. Which way does Brandon go around the patrol car?

Officer Johnson: He comes around the driver's side. I believe around the driver's side, the front. Bumper.

Detective Dewing: Mm hmm.

Officer Johnson: And then comes around and kind of falls in off to my left side.

Detective Dewing: And when you were saying that he nosed in to the suspect vehicle, was he actually making contact with the patrol vehicle and the suspect vehicle?

Officer Johnson: No, he, he, I, he probably, I'm guessing. When I told him to nose in. That's what I meant. Get up on the bumper. I want to say he probably finally stopped about, I'm just guessing, probably ten, fifteen feet away from the car. And that's why when I realized he was kind of a little bit hesitant or unclear of what I meant by that. I better just get out of the car and go over there myself.

Detective Dewing: OK. So once you're on the driver's side of the car and you position yourself a little bit back. What happens then?

Officer Johnson: I see Brandon coming over to me. And I've got my gun out on the guy. And I'm saying get your hands up. And he starts to put his hands up. And so Brandon comes over, and I don't remember if the driver opened the door. I think Brandon reached out and opened the door. I think. And reached in, and grabbed his left arm.

Detective Dewing: And by grabbed him, Brandon grabbed the suspects arm.

Officer Johnson: Correct.

Detective Dewing: And you believe that he opened the door?

Officer Johnson: I think Brandon opened the door. I'm not positive.

Detective Dewing: Could you tell if the driver's windows were up or down?

Officer Johnson: I think his driver's window and passenger window were down. I'm pretty positive the driver's window was down. And almost positive the passenger window was down. Because he was carrying that conversation. Carrying on a conversation.

Detective Dewing: OK. So Brandon grabs the suspects left arm and what do you see then?

Officer Johnson: I see the guy kind of turn and look and I see he's wearing a red jersey. And I think it was four dots on his left eye. And you know working, I worked for gangs for five years and focused on Hispanic gang members. And you know that lead me to believe this guy is a Norteño gang member. You know very, very violent gang. And I saw him, so kind of look over and kind of look around again to kind of like to the front and kind of off to his right. Had that look of where am I going to go. And Brandon grabbed his left arm, I don't remember if it was one or two hands. But he reached out and grabbed him. And then the guy reached down and threw it into gear as he pulled away from Brandon. And accelerated forward.

Detective Dewing: OK. So, he accelerates forward. Are you saying anything to this, to the suspect?

Officer Johnson: We, we've told him to get his hands up. I think that's what I just kept telling him. Get your hands up and then was just telling Brandon get over here and Brandon reached out and grabbed him. I don't remember if I told Brandon, "grab him." But Brandon reached out to grab him to get him out of the car.

Detective Dewing: OK. And could you hear Brandon saying anything?

Officer Johnson: At that point I don't, I don't remember. I know at some point he was carrying on a conversation.

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Telling the guy, 'Hey get your hands up man.' And stuff like that. But I don't remember at that point if he was.

Detective Dewing: OK. And did the suspect driving the car, did he say anything to you guys?

Officer Johnson: No.

Detective Dewing: Did he say anything during your entire interaction?

Officer Johnson: I, I think, yeah once we finally got him out of the car.

Detective Dewing: OK.

Officer Johnson: He did.

Detective Dewing: So, he throws it, throws the car into drive. And proceeds to then hit your patrol car.

Officer Johnson: Yeah, he rammed into our car. And when he hit it, he hit it more towards the, if I remember right. The passenger side from corner. Where the headlight is.

Detective Dewing: Mm hmm.

Officer Johnson: And I remember seeing the patrol car push off to the side. He hit it hard enough to move the patrol car.

Detective Dewing: And then once he hits the patrol car, what do you do?

Officer Johnson: I see him throw it in reverse. So I back up a little bit to try to get some distance from the car. Go back towards the sidewalk. He throws it in reverse and at the time I didn't really notice or pay attention that there was another car behind him.

Detective Dewing: Right.

Officer Johnson: Stopped in the middle of the road. But as he's reversing towards that car at a high speed I see that it looked like there was one occupant in the car. And he rammed back right into it. Smashed the front end and pushed the car a few feet down the street.

Detective Dewing: If you had to estimate the distance from where he initially rams your patrol car. To where he when backs into and essentially rams the citizen that's in the street.

Officer Johnson: OK.

Detective Dewing: Would you be able to estimate that distance?

Officer Johnson: I think a fair estimate would be thirty, forty feet maybe?

Detective Dewing: OK. And what if anything did you see that citizen do in his car?

Officer Johnson: I, I couldn't really see the citizen much. I could just see a head. I couldn't even, I don't even know if it was a male or female sitting in the car. But it appeared there was one occupant and they just had their hands on the steering wheel looking. And he just went back and smacked them.

Detective Dewing: OK. When you said that you saw that he put it in reverse. What do you mean by that? Did you see the reverse lights on the car?

Officer Johnson: We could see like the motion of an arm up, up by the column.

Detective Dewing: OK.

Officer Johnson: And then you could see the white lights flash. Reverse lights flash.

Detective Dewing: OK. So every indication that he was going to back up.

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Officer Johnson: Yes.

Detective Dewing: So then he hits this citizen's car. And once he hits the citizen's car, what does he do?

Officer Johnson: After he hits the citizen's car and pushes that car back. I see him reach up and put it back in drive. And he's taking off towards us. And I try to go a few more feet back. But I didn't quite make it to the sidewalk. But I, I went back towards the sidewalk. I didn't want to put myself and create any type of situation. And then he's accelerating. That I can tell he's coming fast. He's not just, OK I'm going to pull back up to you. I'm just going to pull and park. I mean he was taking off again. And I remember, you know it's Easter Sunday and there was a lot more traffic out then usual on a Sunday there. I mean on Sundays it kind of simmers down a little bit. It is quite you know, often busy intersection. Cause the freeway was right there.

Detective Dewing: Right.

Officer Johnson: But I remember more cars than usual. Families going out for Easter. You know seeing kids, you know people walking around. Going to different functions. And so as he's accelerating real fast forward. You know I can see cars passing. I can see an apartment complex straight ahead that I know. I've been in there. I know bedrooms are over there.

Detective Dewing: Mm hmm.

Officer Johnson: And my fear was that he was going to either, A, hit one of these families in the street. Or B, hit the apartment complex. And the reason I started backing up is cause he's accelerating. His only, in my mind from what I remember, his only natural path would have been towards the left to us. Because there was more room between our car and the curb on that side. As opposed to the south side of the street.

Detective Dewing: OK. So he starts to accelerate in a direction that you believe is not only toward you. Where is your partner?

Officer Johnson: I, I lost sight of where he was at, at that time. I think he fell in behind me.

Detective Dewing: OK.

Officer Johnson: But I lost sight of him.

Detective Dewing: OK. So accelerating toward you and then also toward a busy street that you know to be a busy street.

Officer Johnson: Right.

Detective Dewing: Based on working in that district and your familiarity with the area.

Officer Johnson: Correct.

Detective Dewing: And in addition to the fact that on this map is this the apartment complex that you're referring to?

Officer Johnson: Yes, it's hard to tell but underneath this tree, it, the apartment complex comes out a little bit, a little bit more. And that's the, not the door side. But it's the, the far west wall is apartment complex.

Detective Dewing: OK. So a residential apartment complex that you've seen kids. That you saw people at.

Officer Johnson: Yes.

Detective Dewing: And then.

Officer Johnson: A lot of families in these.

Detective Dewing: And then this is the busy as far as like a thorough fair first street.

Officer Johnson: Correct.

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Detective Dewing: Where you saw traffic and busier then normal with families being that it's a holiday and Easter.

Officer Johnson: Yes. That's a huge thorough fare with the crosstown, the on and off ramps right there.

Detective Dewing: OK. So he accelerates forward and what do you do?

Officer Johnson: He's accelerating forward. And like I said, I started to back up a little bit more to try to get, get away from the car. And then as I'm seeing these cars and I'm seeing the apartment complex dead ahead. Fearing that they're going to hit these people. Hit this car. He's already rammed one person. I didn't know if they were injured or not. And what his intentions were with us.

Detective Dewing: Mm hmm.

Officer Johnson: Like I said, previously there had been some people on the sidewalk. So I didn't fire at him initially because in my mind I was almost across from these folks. So I let him get a little bit past me before I actually fired my rounds. And then he hit our patrol car again at the back corner.

Detective Dewing: OK.

Officer Johnson: Passenger side back corner.

Detective Dewing: OK. So once he hits the patrol car or your patrol car the second time. What happens then?

Officer Johnson: As he's going towards the patrol car. I fired four rounds and it looked like he had either ducked down. Or hid. Went unconscious or something. So I stopped firing because I, it didn't appear that he was either A, still conscious or you know he had ducked down. And then he hit, hit our car. It stopped his car. So I didn't fire anymore.

Detective Dewing: OK.

Officer Johnson: Held him at gun point. Me and my partner, I remember kind of standing off at one point. At the back of a old pick-up truck or something with a bunch of debris in the back. And kind of used that as cover. And held him at gunpoint until other units were coming. I had notified dispatch on the air what had happened. Requested medical. And asked for the next responding unit to, to nose into his car. So that if he was to try to, he couldn't take off again.

Detective Dewing: So you fire the four rounds as he's accelerating and he, or I'm sorry, correct me if I'm wrong. Had he already hit your patrol car the second time when you had fired the rounds?

Officer Johnson: No.

Detective Dewing: So you fire the rounds. He then hits your patrol car the second time.

Officer Johnson: Correct.

Detective Dewing: His car comes to a stop.

Officer Johnson: Correct.

Detective Dewing: But you can't tell if he's been struck or not.

Officer Johnson: Correct.

Detective Dewing: All you see is.

Officer Johnson: He just looked like he had, he had either ducked down or, or had been struck.

Detective Dewing: So you proceed to give him commands.

Officer Johnson: Yes.

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Detective Dewing: And you update dispatch in regards to requesting for medical?

Officer Johnson: Correct.

Detective Dewing: And then that the next unit that's coming on scene, block in his car.

Officer Johnson: Yes.

Detective Dewing: How, when he hit your patrol car the second time, what, did it manipulate your car at all?

Officer Johnson: It moved it. So initially like it was this. Pretty much facing almost directly westbound. And when it, the first time it hit front of the car it kind of tilted it cockeyed. So that the back of the car was facing more north-east.

Detective Dewing: Mm hmm.

Officer Johnson: And the front was now facing more south-west. As opposed to directly east and west.

Detective Dewing: Mm hmm.

Officer Johnson: So as he comes in and hits it in the back corner. On the passenger side and rear corner. It kind of jockeys it to where it's now, you know just a tiny bit more east and west.

Detective Dewing: Mm hmm.

Officer Johnson: But not quite east and west anymore.

Detective Dewing: OK. So once you request for medical. You request for the next unit that's arriving on scene to position their car in a way to block him in? What happens then?

Officer Johnson: I keep giving commands to get his hands up. He's not responding. And I just continue the commands. Get your hands up. Until the next units get there. And then I tell them, hey nose in to that car. So they nosed in. Again not quite to his car. But they nosed you know a few feet away. And then I yelled at them, get over here. Come, come with me. And they were. I was motioning them to come over back on my side.

Detective Dewing: OK. And as they, they come to you?

Officer Johnson: They come to me.

Detective Dewing: Then what happens?

Officer Johnson: I continue giving updates. Or, or giving commands, to get your hands up. Still no response from him. He's still in that position that he had been in right prior to the collision. We continue this for, I mean it seemed like hours. But, you know probably a minute or two.

Detective Dewing: Yeah.

Officer Johnson: Telling him to get your hands up, get your hands up. More officers are responding. At one point I tell a couple of people, or I tell a couple people, hey put some gloves on so we can get this guy out of the car. I wanted to get to this guy and start rendering first aide. And once I had enough bodies there to do that.

Detective Dewing: Mm hmm.

Officer Johnson: And then at some point he, all of a sudden he just sits up. And then we're saying, hey man, yeah get out of the car. Man get out of the car. Man get out of the car. And he's not getting out of the car. Tell him to get your hands up, get out of the car. And then the car rolls forward and hits another patrol car.

Detective Dewing: OK.

Officer Johnson: But again like I said, it was a few feet in front of us, so it didn't have much room to gain any speed. Just rolled right into it and stopped.

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Detective Dewing: OK.

Officer Johnson: So we continue the get out of the car. And at that point he finally starts to crawl out of the car.

Detective Dewing: The patrol car that the suspect vehicle rolls into. Is that the patrol car that you had said, nose in or block him in? Is that, that patrol car?

Officer Johnson: Yes. I was driving a Crown Vic. And the next car to respond there was one of the new Ford Explorers. It was the car that I believe Officer Serna was driving.

Detective Dewing: OK.

Officer Johnson: I don't know the unit number but it, it was a Ford Explorer.

Detective Dewing: OK. So his, the suspect vehicle rolls into the Ford Explorer, patrol car.

Officer Johnson: Correct.

Detective Dewing: And then does anyone actually walk up on the suspect vehicle?

Officer Johnson: No, not initially. We kept telling him to get out. We started to make an approach until we saw that he was moving around. Then we kind of waited to see what was going to happen. Cause when we initially made contact with him. I couldn't see in the car other then his left arm, his left leg. His face. And some of his clothing. So we kind of waited and let him come out of the car on his own.

Detective Dewing: Was anyone in the SUV patrol car when his vehicle rolled into it?

Officer Johnson: No, they had bailed out and came behind me.

Detective Dewing: OK. So once you guys see that he's moving around, what happens then?

Officer Johnson: We give orders telling him to get your hands up. Get your hands up. You know, not a lot of response out of him. Nothing verbal. Tell him to get out of the car. And then at that point he opens the door. Crawls out. We yell at him, get on the ground and he kind of, kind of goes down some. But falls down to the ground. Kind of on his left side. So then we yell at him, to lay on his stomach. And he rolls over to his stomach.

Detective Dewing: And once he rolls over to his stomach, what do you do?

Officer Johnson: We still have him at gun point. He had rolled over and was on his left hand and arm. So we didn't initially approach him. We kept yelling at him, get your hand out. Get your hand out. Get your hand out. And then at that point he responded, hey I can't move it. So we keep yelling, well figure out, somebody yelled out a suggestion to him. That hey, scoot to your right so that your left arm comes out. And at some point he kind of pushes up a little bit. And he had long hair from what I could remember. And through his hair I could see his hand. I couldn't see in it. So I think we were yelling, hey open your hand. Finally decided that, that wasn't quite working and we were just going to have to go approach this guy.

Detective Dewing: OK. So do you approach him?

Officer Johnson: Me and I think Officer Rodriguez went with me. We went to cover the car. As a few officers, I don't remember who it was. I think it might have been Officer Twigg and Serna. And I think there was one more. Maybe McPherson. But two or three officers go to him as we go to the car. We go simultaneously. And we clear the car, make sure nobody's in the, else is in the car. As they approach him. And get him cuffed up.

Detective Dewing: Was there anyone else in the car?

Officer Johnson: No.

Detective Dewing: And, did you contact the suspect at all?

Officer Johnson: No, not no. Not after he got out of the car.

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Detective Dewing: Did you see anyone render aide to him?

Officer Johnson: Medics, if I remember right. Because I had called early on to start medics.

Detective Dewing: Right.

Officer Johnson: And this little, there was a delay for us getting him out of the car. And I remember them showing up almost immediately as he got out of the car. And they came over to address him.

Detective Dewing: OK. So once medics address the suspect, what do you do?

Officer Johnson: Clear the car. Once the car was cleared. I went off to the side and, and met with Sergeant Hernandez. And then I just stayed off to the side. I think I did tell another officer, go down and check on that person that they hit. I previously told Brandon after the car hit, the, the shots have been fired and the car stopped. I said, go memo that license plate on that other car. Don't let them leave.

Detective Dewing: Mm hmm.

Officer Johnson: So we went down. I heard him yelling something to them. And I heard on the radio him memo in the license plate. And then he responded back to me. After the car was clear. He was in custody. I told, I don't remember who, I yelled at somebody. Maybe Serna or something. I said, go back there and make sure they're OK. And I noticed that they had now turned their car from which they were initially faced eastbound. They had nosed up in like a driveway or up on the sidewalk. And the car was just sitting up there.

Detective Dewing: OK. To go back when you and your partner were in your car. Did you guys initially discuss how you were going to approach this call? Before anything happened. Your partner's driving to the call. Did you discuss like, aside from vehicle positioning once you first got on scene. Discuss such as like use of force, use of force options. Less than lethal use of force options. Anything like that?

Officer Johnson: No, I, I quite frankly due to the fact the close proximity of the freeway.

Detective Dewing: Mm hmm.

Officer Johnson: And that you know, a crime had been alleged and that, that they were either going to Manteca or coming from.

Detective Dewing: Mm hmm.

Officer Johnson: I quite honestly didn't even think the car would be there anymore. I thought we were just going to sit there and take a stale report from this lady.

Detective Dewing: Right.

Officer Johnson: So it kind of caught me by surprise the car was even still there. And that's when I said, that's when I told him. The only discussion we had, I said, nose in on that car. Block it.

Detective Dewing: So it happened fairly quickly.

Officer Johnson: Very quickly. Mm hmm.

Detective Dewing: And once you get out of the car. Do you have a chance to discuss with your partner about him getting a taser out or him using any other force options?

Officer Johnson: No, cause I, I jammed up pretty quick. Because we didn't get the car positioned where I wanted to. And so I jammed up pretty quick to contact him. And that's when I realized that Brandon was still back closer to our patrol car. And, and not with me. So that's why I yelled, get over here to me.

Detective Dewing: OK.

Officer Johnson: So we didn't have time for that.

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Detective Dewing: OK. And from what you could tell, when you approached the suspect vehicle. The vehicle was on.

Officer Johnson: Yes.

Detective Dewing: And could you tell that based on what?

Officer Johnson: Well I didn't hear him start it. And he was sitting in the middle of the road. So I just kind of assumed the car was still running. Cause he wasn't like he was parked. So I just assumed the car was still running. And at the time that he put it in gear and took off. He didn't start the car. It was already started.

Detective Dewing: OK. Have you been to calls in the past where suspects have used their vehicles as weapons?

Officer Johnson: Yes, I, I've had it happen to me.

Detective Dewing: OK. So you have firsthand experience of where someone has used their vehicle as a weapon against you.

Officer Johnson: Yes.

Detective Dewing: When he initially rams your patrol car, did he seem to have any regard as to what was happening? That there was a vehicle in front of him that was blocking his path?

Officer Johnson: No, it seemed like his goal was to hit our car hard enough to push it out of the way. And get out of there.

Detective Dewing: And then, when he throws it into reverse. Could you see him slow down? Or stop aside from when he rams into the citizen vehicle. Did he seem to have any regard for the fact that someone was stopped behind him?

Officer Johnson: No, he just threw it in gear and just was gas on as fast as he could go in reverse.

Detective Dewing: OK. And then I guess the same again when he throws it into, go or drive to go forward. Did he seem to have any regard for the fact that your patrol car was still there or that you guys were standing in the street in the front of his car?

Officer Johnson: No it appeared that his only goal was just to get out of there.

Detective Dewing: OK. Aside from your partner were any other officers on scene when you guys are initially having this engagement with the suspect?

Officer Johnson: No.

Detective Dewing: How did this entire interaction with him make you feel?

Officer Johnson: Well when we contacted him and after he had hit us, of course you know it made me nervous that he, you know took off and blew right past us. We were close to the car. You know I was a little fearful that I was going to get hit.

Detective Dewing: Mm hmm.

Officer Johnson: But I was able to back up and then when he took off and hit, as hard as he hit that car behind him.

Detective Dewing: Mm hmm.

Officer Johnson: And then put it in drive again. I thought his whole goal was to either, A, run through us. Or run through that patrol car. And then take off.

Detective Dewing: OK.

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Officer Johnson: So I was scared that he was going to hit us and then at that point when he was passing us, I was fearful for the public.

Detective Dewing: Did he seem to have any regard for anybody that was out, aside from himself?

Officer Johnson: No.

Detective Dewing: You had mentioned your prior gang experience as a detective?

Officer Johnson: Yes.

Detective Dewing: How long ago was that?

Officer Johnson: I was in there from late 2006 till January 2012. So I did a little over five years.

Detective Dewing: And you predominantly focused on Hispanic gangs?

Officer Johnson: Correct.

Detective Dewing: And the northerners specifically?

Officer Johnson: At that time I focused on northerners and southerners. As well as Juggalos and graffiti.

Detective Dewing: OK. So your familiarity with Hispanic gang members is, is pretty good.

Officer Johnson: Yes.

Detective Dewing: And, prior to your contact with the suspect today do you recall any previous contacts with him?

Officer Johnson: No, I didn't even, I can't even remember if, if much about a name being mentioned in the call. I, if I remember right there was a reporting party's name. I think a license plate, but minimally a description of the car. And I don't remember his name was mentioned in there or not.

Detective Dewing: OK. As you had said before, you specifically remember that when you saw him he had on a red, a red top.

Officer Johnson: Like a red jersey.

Detective Dewing: And.

Officer Johnson: And I think there was four dots on either like his left eye, left cheek somewhere here.

Detective Dewing: And what do the four dots mean?

Officer Johnson: That's just a, that's a Norteño symbol for the letter N. N for Norteño.

Detective Dewing: Mm hmm.

Officer Johnson: Fourteenth letter of the alphabet.

Detective Dewing: OK. So following the shooting, he's given medical aide and you speak with Sergeant Hernandez.

Officer Johnson: Correct.

Detective Dewing: And then from the scene to our investigations building, who brought you here?

Officer Johnson: Officer Afanasiev and Officer Lyman.

Detective Dewing: And did you guys go anywhere between the scene and when you got here?

Officer Johnson: No.

Detective Dewing: OK. I'm trying to think. Hold on a second. Do you want to go ahead?

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DAI Lacaso: Yeah, Officer Johnson if you can just bring me that a little bit closer to me. Now when you guys arrived on scene we're looking here at a Google Earth images. It looks like the intersection of Filbert and Washington.

Officer Johnson: Yes.

DAI Lacaso: Obviously this is not taken at the time of the event. But when you guys arrived on scene, can you tell me if you remember any vehicles that were parked along this south and north curb line on Washington Street?

Officer Johnson: I almost want to say I think a car, there was maybe one car closer to the corner. And then there's a little bit of a gap.

DAI Lacaso: OK.

Officer Johnson: Kind of almost like where he was leaning out talking out the window. And then if I remember right there was a couple of cars parked behind that.

DAI Lacaso: OK. And then when you arrived on scene do you remember seeing that victim vehicle that was struck? Was that, do you remember seeing that vehicle at all?

Officer Johnson: Yeah, I, I yeah momentarily I, I did see it. I didn't pay a whole lot of attention to that at the time.

DAI Lacaso: OK.

Officer Johnson: I didn't know how that car had anything to do with this, this call. I just know that it was sitting there. And it wasn't trying to go around. You know quite often they'll just try to zip right around you. But it was just sitting there. So I didn't know if, didn't realize at the time it was even occupied. And I didn't know what part it had to do with this call.

DAI Lacaso: OK. And then how about was there any cars along the north curb line here?

Officer Johnson: There was, it was, it was clear on the corner.

DAI Lacaso: OK.

Officer Johnson: And then about the second house, I think or so, west of Filbert. There was an old pick-up truck. It might have been yellowish and primer or something. It was an older pick-up truck. With debris in the back of the truck.

DAI Lacaso: OK. And then when you guys arrived on scene. I'm trying to get a better understanding of, when you guys pulled up where you pulled up, I know you're telling him to nose in. When he finally stopped, was he parked at, at an angle? Or was he pretty straight on with the car?

Officer Johnson: He was pretty straight at the time.

DAI Lacaso: OK.

Officer Johnson: There may have been a bit of an angle but fairly straight.

DAI Lacaso: OK. Now you've mentioned that you saw some citizens on the area of the south sidewalk of Washington Street?

Officer Johnson: Yeah, right about where it looked like that was where he had, having that conversation.

DAI Lacaso: And did the, when you guys arrived on scene did the victim make herself known to you guys at all? Or do you know where she was at?

Officer Johnson: No. I didn't, she didn't make herself known. And it happened, I mean real fast. I mean this was about a minute, or so time that this whole thing transpired. She didn't make herself known. I do remember hearing a female screaming after the shots were fired. I remember hearing a female across the street screaming.

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DAI Lacaso: OK. So you indicated, you parked, you pretty rapidly got out of the passenger side of the patrol vehicle.

Officer Johnson: Yes.

DAI Lacaso: And approached the driver's side of the vehicle?

Officer Johnson: Correct.

DAI Lacaso: And then you said you moved to the passenger side of the driver's side?

Officer Johnson: I moved back a little bit. Yes.

DAI Lacaso: To the driver... to the rear door.

Officer Johnson: Correct.

DAI Lacaso: And at that point is that when you called for your partner to come over?

Officer Johnson: Yeah as I backed up, I realized that he wasn't quite there with me.

DAI Lacaso: OK. And then you said he came somewhere to your, to your left side.

Officer Johnson: He came around my left side.

DAI Lacaso: OK. And then some time after that is when you think he possibly opened the driver's side door.

Officer Johnson: Yeah. Correct.

DAI Lacaso: OK. And then you said he grabbed.

Officer Johnson: He grabbed the left arm up I believe it was.

DAI Lacaso: OK. And then some time after that the suspect pulls away from your partner. And you see him put the car into drive you think.

Officer Johnson: Yeah, it looked like as he was grabbing his arm, that's when the guy had went to put it in gear. And yanked away. Almost at the same time as he's accelerating forward. He's yanking away and I think just the momentum of the car going forward closed his door.

DAI Lacaso: OK. And so this time your partner, Officer Rodriguez is to your left still?

Officer Johnson: To my left.

DAI Lacaso: And you guys kind of go back now to the, to the sidewalk area? Then walk.

Officer Johnson: We back up some more towards the sidewalk yeah.

DAI Lacaso: OK. So he strikes the patrol vehicle. Which kind of makes it now face this direction.

Officer Johnson: Correct.

DAI Lacaso: The south.

Officer Johnson: Kind of South-east.

DAI Lacaso: South-east. OK.

Officer Johnson: I'm sorry, south-west.

DAI Lacaso: South-west, OK. And then he puts it, you see him put it in reverse now.

Officer Johnson: Correct.

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DAI Lacaso: And this is when he backs into the citizen in the area.

Officer Johnson: Yes.

DAI Lacaso: OK. And he makes no attempt once he backs into the citizen to, to render aide. He doesn't seem surprised or shocked that he hit anybody?

Officer Johnson: He didn't even look like he was looking behind him. He just was gas on going backwards. I'm, I'm guessing probably in that distance, he probably got it up to twenty, twenty-five miles per hour.

DAI Lacaso: OK. And you mentioned something to the fact that you said he put it in reverse and hit that citizen vehicle. And then you said, you saw him put it back in drive. And you said he was, you know he was taking off fast. What, what about that did you, did you make you think he was taking off fast? Was there sounds? Was there?

Officer Johnson: Yeah, you can just hear the engine accelerate. I didn't, I don't remember hearing tires squeal. But you can hear that engine accelerate. He didn't even look behind him. So in my mind if he's not even going to pay attention when he just hit and he's continuously looking forward. Then he's still looking for an escape route.

DAI Lacaso: OK. So now at this time, so he's hit the citizen vehicle. He's put it back in drive and you hear the engine revving so to speak.

Officer Johnson: Mm hmm.

DAI Lacaso: Where you guys standing at, at this point?

Officer Johnson: Like I said, there was an old pick-up truck. And, and when we had backed up, I, I, I don't remember if we had initially started off to the side of that pick-up truck or if we were in front of it. But I remember as I was backing up, I wasn't quite again to the sidewalk. And I remember kind of out of the corner of my eye this, this truck here.

DAI Lacaso: OK. Are you, are you getting any orders at this time or is anything being said to the suspect?

Officer Johnson: Was he, as he's backing up and is, just as he whacks into this car behind him, I'm giving updates that, hey he just tried to hit us. He, he hit our car, hit this car behind him. And then, and I don't even remember if I was able to give an update at that time that he was taking off. Because that's when I, I shot at him.

DAI Lacaso: OK. So you had mentioned that there's a car parked here on the south curb line.

Officer Johnson: I think there was a car I believe up here.

DAI Lacaso: OK, and then you guys are kind of facing south-west here. If he were to try to get away without squeezing by without hitting a car which route would he have to take? Was there room?

Officer Johnson: No, there wasn't room on the driver's side. I mean I, I guess that at enough speed he probably could have punched the patrol car all the way around. But the more natural path was between us and the passenger side of our car.

DAI Lacaso: OK. And at this point do you know where your partner's at?

Officer Johnson: No.

DAI Lacaso: OK. So what was going through your head at this point when you see that he's going to take off now toward Filbert Street and you don't have, you don't know where your partner's at. What are you thinking?

Officer Johnson: I didn't know where, where he was at or what had happened to him. I didn't know if when they reversed that it hit him. Cause my whole focus was on him. And as he's going in reverse I turned my attention to the car. And I didn't even at the time, look where my partner was. So I had things going through my head. Did he hit my partner? Did the car hit him? You know, is he OK? And then not knowing where he's at. I mean we're

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told to supervise this fellow's or these folks. All the time. And in my mind, I don't know where my trainee's at.

DAI Lacaso: OK. You also indicated that you waited, you didn't shoot specifically because you thought there was some citizens you kind of waited till he went past you.

Officer Johnson: Correct. Cause if I remember right, they, they were pretty much almost across from me. So as he was coming. You know I had that on my mind that as he first accelerated. I didn't want to shoot towards him because there was that other car behind him. And I thought that, by that time now, I realized there was somebody moving around in the car. I didn't know how many I thought, one but I wasn't positive. So I didn't fire at that point. And it was coming at us, so I tried to back up a couple feet. And then in my mind I believed that the people were right across the street from me. So I waited. I didn't fire at him then. Kind of hoping he's going to stop.

DAI Lacaso: Right.

Officer Johnson: But, the way I could hear the car accelerating and the speed he was starting to go, I realized he's not going to stop. Then my focus turned to these folks driving up and down Filbert Street and this apartment across the street. At that point when I felt that I was at direct angle away from the folks across the street from me is when I fired.

DAI Lacaso: OK. And you mentioned these folks in the apartments and people out and about. What do you, what's possible? What did you think could possibly happen?

Officer Johnson: Well I was thinking God forbid he hits a car and kills a family. Hits this apartment complex and hits somebody. I've been on calls where people have taken off from us and crashed into houses. And I guess by the grace of God, we, we, nobody was in the bedrooms at that time. And my thought was that if what if we hit some family over here. That's having an Easter celebration. And he kills them because we couldn't contain him.

DAI Lacaso: OK. And what made you, did his actions that he's displayed so far is that what kind of made you think this?

Officer Johnson: He would just seem reckless and no, no regard anybody's safety.

DAI Lacaso: OK. Give me one second here. Now you mentioned your experience as, as a gang detective. You mentioned some stuff about the Norteño gang, the number fourteen. And knowing that they're red and all that. What kind of crimes have you known Norteño gang members and associates to commit?

Officer Johnson: I've been involved in a lot of them. I'm, I'm a county recognized gang expert. I've been involved in homicide trials, attempt homicide trials, robberies, car jackings, home invasions. You know, I've worked on you know a six-month investigation into a Norteño gang in Stockton where we able to you know build a case to pull out several influential people in that gang. And I've heard them first hand talking on phones about doing robberies and you know carrying guns and the, the stuff that they do. And that they're main goal is do not, don't get caught.

DAI Lacaso: OK.

Officer Johnson: And so, you know my thought was this Norteño gang member is going to do whatever he's going to do whether that be hit us, kill us, hit somebody else. Cause his whole goal was to get away and he didn't care what happened to anybody else.

DAI Lacaso: So, do you know them to commit assaults on people?

Officer Johnson: Oh yeah, I've been assaulted by Norteño gang members and.

DAI Lacaso: On peace officers?

Officer Johnson: Yes.

DAI Lacaso: OK. And then you indicated that you didn't think there was any name in the call history as you were headed to the call?

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Officer Johnson: Not that I can remember. Again like I said, I thought this guy is going to be long gone. We'll get over here, take a report like we do most every other call. And write the report and go to the next one.

DAI Lacaso: And it doesn't sound like it, but when you got out you didn't recognize this guy from previous contacts?

Officer Johnson: Not that I can remember, no.

DAI Lacaso: OK.

Officer Johnson: And that's usually pretty, you know facial tattoos I guess aren't uncommon. But they are less common than other tattoos. And that's something that generally stand out. You know when you talk to these folks. That you know you remember a lot of the guys with the tattoos on their faces. And to me it didn't really click. You know that I knew this guy. And again he didn't fully look at us too. He was kind of more looking forward. And at the angle I was at I could just see like the cheek. Some of the clothing. And then his driver's side of the car.

DAI Lacaso: OK. Did you think that you had any other options when you fired? Was there, did you think that you could anything else to stop the threat?

Officer Johnson: No. No, had it been, you know a street that I knew to be pretty desolate. I, I'd just let him ram right through the patrol car. And we'd take it from there. But I knew that, that street was not quiet at that time. I knew there was families and people driving up and down that street.

DAI Lacaso: OK.

Officer Johnson: And I thought the only thing I could do was to stop this guy and that was the only way that I could.

DAI Lacaso: OK. I don't think I have anything else right now.

Detective Dewing: To go back to when you guys were initially dispatched. Was there a crime already documented in the call?

Officer Johnson: Yes, it said that I think her words were something like they were in the car. Either going to Manteca. Coming from Manteca. And then I think the term used was like he had flipped out. And then had, I think it said, 243, but had battered her. So in my mind he's already committed minimally he's committed a misdemeanor domestic violence if not more.

Detective Dewing: So you guys weren't dispatched to a suspicious vehicle or anything. You were actually being dispatched to what you believed to at least be a battery of some sort.

Officer Johnson: Correct. Domestic battery, yeah.

Detective Dewing: OK. Can you describe him a little more in detail? What race was he?

Officer Johnson: Hispanic. That I can remember. Probably medium skin tone like mine. Maybe a little bit darker. But probably fairly similar to me. I'm part Hispanic myself so. Pretty similar to my skin tone. On the thin side I would say. When he got out of the car, I mean I, I'm guessing he's probably 5'10" at least. He, he seemed like he was probably about that height. Thin, thin guy. Oversized baggy clothes if I can remember.

Detective Dewing: And you had mentioned the longer hair.

Officer Johnson: Correct. It's kind of wavy if I remember right.

Detective Dewing: Do you remember any facial hair?

Officer Johnson: No, I don't know. No like I said I just seen the, the side profile. And could see the cheek. I didn't see the really the front.

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Detective Dewing: Aside from the distinguishable dots that you saw on his cheek. Could you see any other tattoos?

Officer Johnson: Not that I can remember but I only saw the left. The left arm and he did have, I think he had maybe a jersey with another shirt. Cause I don't remember seeing like a full arm. I think there was a, like a tee shirt. A half shirt or something.

Detective Dewing: And do you remember what pants or garments he was wearing?

Officer Johnson: I think they were black. If I remember right they seemed baggy. I think white shoes. A red jersey with I think a number on the back. Maybe a name but I don't remember what that was.

Detective Dewing: OK.

Officer Johnson: I think he, he might have even had a ball cap on. Maybe. I can't remember, but I just remember that, that long hair. Because when we were trying to get him to pull his hand out. I was able to finally see he moved up enough that some light opened up through his hair. And I could see his hand underneath him.

Detective Dewing: OK. Is there anything that happened that we haven't touched on that stands out to you and that can be a smell, a sound that you heard. Some, a way that you felt in that moment. Anything that we haven't talked about.

Officer Johnson: Not that I can think of. I think we covered the basis.

Detective Dewing: Everything? I think that's all that I have.

DAI Lacaso: Yeah, I can't think of anything right now.

Detective Dewing: OK. Alright. Finish up. Keep these. And, done.

Attorney Davis: I'm just going to leave this here for the next guy.

Detective Dewing: It's warm in here, huh?

Officer Johnson: A little bit, yeah.

Attorney Davis: Warm bodies in here.

(Detective Dewing, DAI Lacaso, Officer Johnson and Attorney Davis leave the room at 19.06.33)

(Disk ends at 19.06.40)

(Disk starts at 19.06.40)

(Disk ends at 19.07.05)

(End of Statement)

INVESTIGATION (continued):

At the completion of the interview, we all exited the interview room.

The maps shown to Officer Johnson and a copy of his interview were booked into the SPD Property Room under property tag #B122980.

ATTACHMENTS:

None

EVIDENCE:

Google Maps shown to Officer Johnson
DVD-R with interview of Officer Johnson

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DISPOSITION :

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22 E WEBER ST.
STOCKTON, CA 95202

(209) 937-8495

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Supplement No
0038

Reported Date
04/25/2017
Rpt/Incident Typ
245
Member#
DEWING, LAUREN RENEE

Administrative Information

Agency STOCKTON POLICE DEPARTMENT		DR 17-13946	Supplement No 0038	Reported Date 04/25/2017	Reported Time 10:35
CAD Call No 171060493	Status RTF INVESTIGATIONS	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON			
Location S FILBERT ST/E WASHINGTON ST					City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017	From Time 13:03
Member# 2571/DEWING, LAUREN RENEE			Assignment ROBBERY PHASE 1	Entered By 2571	
Assignment ROBBERY PHASE 1	RMS Transfer Successful	Prop Trans Stat Successful	Approving Officer 1293	Approval Date 04/25/2017	
Approval Time 17:21:46					

Summary Narrative

Subsequent Report

DOJ

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On 04/19/2017, I (Detective Dewing/I-12) conducted follow-up on the listed case.

INVESTIGATION :

On 04/18/2017, Detective Porta advised a pistol was located in the suspect vehicle.

FET Broussard documented the pistol as being a silver and black colored Taurus semi-automatic pistol with magazine; PT 92 AFS, 9mm, S/N TVG 28266. I completed the Department of Justice (DOJ) Physical Evidence Submission Form. On 04/19/2017, I checked the pistol out of the property room and brought it to the DOJ lab in Ripon. I turned the pistol over to lab employee, D. Her.

I met with lab Criminalist, Anthony Sutter. Sutter turned over a box that contained Officer Johnson's service weapon, Sig Sauer P226 .40 cal S/N U832085. He also turned over a box containing expended cartridge casings and expended bullets (test fired components from said gun) and an envelope containing a disc. Sutter advised the disc contained digital photographs and a TruView scan from the scene. The disc was provided to him by fellow Criminalist, Meagan Gallagher.

D. Her provided me with a DOJ Physical Evidence Submission Form that documented me taking possession of the pistol, box containing test fired components and the disc.

I brought the box containing Officer Johnson's pistol to the SPD Range and turned it over to Virgil Lowe #4719.

I made a copy of the disc provided by Gallagher. I booked the original disc in its' original envelope and the box that contained the test fired components into the SPD Property Room under property tag #B122980.

I attached a copy of both aforementioned DOJ submission forms to this report.

On 04/20/2017 I received a Memorandum from Rangemaster, Mark Sandberg. In summary, the Memorandum

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indicated Officer Johnson's firearm was found to be within factory specifications and functioned properly. Refer to the Memorandum for additional information.

ATTACHMENTS :

DOJ Submission Forms

EVIDENCE :

Box containing test fired components

Envelope containing original disc provided by DOJ

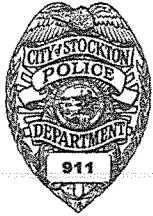
DISPOSITION :

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STOCKTON, CA 95202

(209) 937-8495

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Member#
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Administrative Information

Agency STOCKTON POLICE DEPARTMENT	DR 17-13946	Supplement No 0039	Reported Date 04/25/2017	Reported Time 17:07
CAD Call No 171060493	Status RTF INVESTIGATIONS	Rpt/Incident Typ ASSAULT WITH A DEADLY WEAPON		
Location S FILBERT ST/E WASHINGTON ST				City Stockton
ZIP Code 95205	Rep Dist 0191	District PA	Sector PN	From Date 04/16/2017
Member# 2571/DEWING, LAUREN RENEE		Assignment ROBBERY PHASE 1		Entered By 2571
Assignment ROBBERY PHASE 1	RMS Transfer Successful	Prop Trans Stat Successful	Approving Officer 1293	Approval Date 04/25/2017
Approval Time 17:22:45				

Summary Narrative

Subsequent Report

Statement of Officer B. Rodriguez

Modus Operandi

Crime Code(s)
Assaults

Narrative

NOTIFICATION :

On Sunday, April 16th, 2017, I (Detective Dewing/I-12) along with District Attorney Investigator (DAI) K. Lacaso interviewed Stockton Police Department Officer Brandon Rodriguez.

INVESTIGATION :

During the course of the investigation, Officer Rodriguez and his attorney, Zeb Davis were led into interview room number 1 located at the Stewart Eberhardt Building (SEB). DAI Lacaso and I met with Officer Rodriguez. He gave the following statement in summary:

The following was recorded and has been summarized below. The purpose of the summary is to render an overview of what was described; however, they are not transcriptions of the recording. The summary should not be viewed as containing only the important facts of the recording. They are intended to provide the reader with a general understanding of what was said; therefore, refer to the recording itself for the exact wording.

Video times have been noted on the summary for reference purposes.

(Disk starts at 19.13.52)

(Detective Dewing, DAI Lacaso, Officer Rodriguez, and Attorney Davis enter the room at 19.15.21)

STATEMENT OF Officer B. Rodriguez:

Detective Dewing: Go ahead.

Officer Rodriguez: Thank you.

Detective Dewing: Take a seat. Which one you want to sit.

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Officer Rodriguez: Alright.

Attorney Davis: Sit you back there I think.

DAI Lacaso: Alright. I can get started. I'm Kari Lacaso. I'm an Investigator with the San Joaquin County DA's Office. And this is.

Detective Dewing: My name is Lauren Dewing. And I'm with Stockton Police Department.

DAI Lacaso: And we're here with?

Attorney Davis: Zeb Davis with Mastagni.

DAI Lacaso: OK. Officer Rodriguez obviously we're here in regards to an officer involved shooting that took place earlier this afternoon. It is April 16th. Is that right?

Detective Dewing: Yep.

DAI Lacaso: It's Easter and it is approximately 7:16 P.M. and we're here at the SEB for Stockton Police Department. Can you tell me how long you've been employed with the Stockton Police Department?

Officer Rodriguez: Since, October. I can't remember the exact day. I think, I can't remember the exact date though. I think it was the 21st maybe? Can't remember when it, when it was. My exact date was that I got hired.

DAI Lacaso: Of October of this year?

Officer Rodriguez: 2016.

DAI Lacaso: Of 2016, OK. And first name's Brandon correct?

Officer Rodriguez: Yeah.

DAI Lacaso: Can you go ahead and state your full name for me?

Officer Rodriguez: Brandon Anthony Rodriguez.

DAI Lacaso: OK. And can you spell your last name for me?

Officer Rodriguez: R-O-D-R-I-G-U-E-Z.

DAI Lacaso: OK. And your badge number?

Officer Rodriguez: 2869.

DAI Lacaso: OK. So you've been, you said around October of 2016 is when you started.

Officer Rodriguez: Yeah, it was either the beginning of October or at the end. I can't remember.

DAI Lacaso: OK. And how long have you been actually out on the street with a training officer?

Officer Rodriguez: This is my third month on the street. Beginning of my third month.

DAI Lacaso: OK. And which officer are you with this month?

Officer Rodriguez: Officer Johnson. Robert. Officer Robert Johnson.

DAI Lacaso: And, OK. And as far as days, how many days have you been with Officer Johnson?

Officer Rodriguez: So it was last. Wednesday, Thursday, Friday, today's the fifth day.

DAI Lacaso: OK, so this is the fifth day of your third month with Officer Johnson.

Officer Rodriguez: Yes, ma'am.

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DAI Lacaso: Now prior to these five days with Officer Johnson. Have you been placed with Officer Johnson previously for a day here or a day there?

Officer Rodriguez: Mm hmm. Yes.

DAI Lacaso: OK. How many days total do you think you've been with Officer Johnson?

Officer Rodriguez: Probably, prior to that I think I rode with him two times. So probably about seven days.

DAI Lacaso: OK. And which shift were you guys working today?

Officer Rodriguez: Two. Two, one.

DAI Lacaso: OK. And what time does that shift start?

Officer Rodriguez: We started at zero, six.

DAI Lacaso: OK.

Officer Rodriguez: 0600.

DAI Lacaso: OK. And what vehicle were you guys driving today?

Officer Rodriguez: 3877 I believe.

DAI Lacaso: And what kind of vehicle is that?

Officer Rodriguez: It's a Ford Crown Victoria.

DAI Lacaso: OK, is that a marked police vehicle?

Officer Rodriguez: Yes, it's a marked police vehicle.

DAI Lacaso: Black and white?

Officer Rodriguez: Black and white. Lights on the top.

DAI Lacaso: OK. And I see that you appear to be in full uniform today. Shoulder patches, badge. You have your full duty belt on right now. Is this what you were wearing?

Officer Rodriguez: Yeah, as well as my hat too on. I just don't have it on right now.

DAI Lacaso: OK. And this is what you were wearing today?

Officer Rodriguez: Mm hmm.

DAI Lacaso: During the incident? OK. Can you tell me about, do you remember some of the calls you responded to today? From six o'clock?

Officer Rodriguez: I remember our first call, I think was, it was a burglary call. Our first call was. And after that, can't remember what I went on after that. I think we did, we did a, a follow up investigation. I think a few calls later, I can't remember what was in between that time. We did a follow up investigation regarding a call from a previous domestic violence case. And the RP, well I guess at that location there was some previous domestic violence going on. But, a reporting party had called and said that there was, they were being loud with each other or something. Some, something like that.

DAI Lacaso: OK. I'm going to back up.

Officer Rodriguez: That they're being, they're, they're causing a disturbance at the, at that residence and it's known to have domestic issues.

DAI Lacaso: OK. Now do you remember the call that you were on directly before this call involving the shooting?

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Officer Rodriguez: I think we were on a call. We were, think we were looking for, oh we were looking for somebody by the railroad tracks. Think it was off of Hazelton. Or off of Hazelton. Somewhere off of Hazelton, I can't remember those. Somebody by some railroad tracks out by Church Street I think it was. And, we, we weren't able to locate the person who we were looking for over there.

DAI Lacaso: OK, so that's the area that you were responding from?

Officer Rodriguez: Yeah.

DAI Lacaso: When you got dispatched to this call?

Officer Rodriguez: Yeah.

DAI Lacaso: OK. I'm going to back up a little bit. Do you have any previous law enforcement experience prior to Stockton PD?

Officer Rodriguez: No, no.

DAI Lacaso: What about any military experience?

Officer Rodriguez: No.

DAI Lacaso: OK. Then we'll get back to it. So you guys were at that call looking for somebody on the railroad tracks.

Officer Rodriguez: Yeah, we circled around the area to see if we found anybody matching the description that was given. I can't remember the description right now. So we circled the area to see if we seen. It was a female, I believe it was. Something was happening around the railroad tracks.

DAI Lacaso: OK.

Officer Rodriguez: I think it was like some type of disturbance or something.

DAI Lacaso: OK.

Officer Rodriguez: And we were, were unable to locate the subject.

DAI Lacaso: And were you driving today?

Officer Rodriguez: Yes, I was.

DAI Lacaso: And Officer Johnson was in the front passenger seat?

Officer Rodriguez: Yes he was.

DAI Lacaso: OK. And then this call that in question, that we're talking about here. Can you tell me from the moment you were dispatched to it. Can you tell me about it?

Officer Rodriguez: About which call, the railroad tracks?

DAI Lacaso: Officer involved shooting call.

Officer Rodriguez: Oh. Yeah, it was a call that said something about a, a male was battering his wife. Or girlfriend. I'm not, can't really remember what it was. And from what I know of it, they were coming from Manteca, or from the area of Manteca. And stated that it was a female wearing like a purple shirt, I think, and some gray pants. And while we were responding to the call it said that she was still on scene. And that I think the boyfriend or husband, whatever he was, was starting to get violent with, or starting to yell at her or something. Something like that. He was still on scene and just causing a disturbance with her. And she was calling saying that she wanted to speak with officers as soon as, soon as officers showed up on scene.

DAI Lacaso: OK.

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Officer Rodriguez: That's what I can remember from that.

DAI Lacaso: OK.

Officer Rodriguez: So we started heading in that direction. And we were getting that information as we were on our way to the call location.

DAI Lacaso: OK. So, once you guys arrived, you can just go ahead and keep on going.

Officer Rodriguez: Yeah, so, yeah we got the description that there was a female wearing a purple shirt and gray pants and that the male subject was in a white Durango. It was a 2005 Dodge Durango. And so we were coming off of Highway 4 and turning south onto Filbert and he was in the area of Filbert and Washington. So we turned south onto Filbert and we turned west onto Washington. And he was facing east on Washington. So as soon as we started turning the corner, I noticed that right when he seen us, you know making the, the turn to head west on to Washington. He kind of, it kind of looked like he was trying to go. Like trying to leave.

DAI Lacaso: OK.

Officer Rodriguez: So we actually blocked him in and as soon as we blocked him in, Officer Johnson got out of the car and he drew his duty weapon on him. And I got out and I drew my duty weapon on him. And after he did that, he had opened the door and he told me to come over and to assist him. So as soon as I, I holstered my gun. And I walked over there to go assist him. And as soon as I, right whenever I walked up, I seen his, I seen his smile. He looked like his, I never seen him before. But as I was walking up, I was looking at him. And he had a like long black hair. Looked like a Hispanic. Had four dots tattooed on his eye that I noticed. And he was wearing like a red jersey. And since his door was open, I went and I reached with my left hand to grab his left hand. And I can't remember if his hand was like on the steering wheel or, or was away from the steering wheel. But as soon as I grabbed his left wrist, he grabbed the door and he shut it and he hit my arm. While he is shutting the door. And right after he shut the door, he started driving east and hit our patrol car. So he's driving straight and he ran into our patrol car and right after he ran into our patrol car he reversed it and hit an innocent bystanders. Or not innocent by, it was a person in their vehicle that had nothing to do with the situation. So reversed and hit that vehicle. And started up, you know, put the car back in, or put his Durango back in drive. And drove forward. And that's when I remember Officer Johnson, as soon as he drove forward again and started hitting the car. Officer Johnson fired three rounds from what I can remember. Three to four rounds.

DAI Lacaso: OK. And then after Officer Johnson fired the rounds, what did you see? What happened?

Officer Rodriguez: Well I was standing a little a ways from it. And I had, I had my duty weapon. I redrew my duty weapon out. And Officer Johnson told me to get the license plate of the vehicle that he had. So I aired that. And got that over the air, the, the license plate number of the person that he had some, when he was reversing. So I come back around to the back, directly behind Officer Johnson. And I'm looking at the car and we're giving the guy announcements. We're letting him know to, get out of his car. And to show us his hands. And he's not listening. He's you know still inside the car. So, additional units come. And I remember Officer Johnson telling the additional units to park in front of him to block him just in case he tries to leave again. So, next thing is officer arrive on scene. They kind of come, where we're standing. Right next to a truck that was parked there. And I made my way around the truck because I was behind other officers and I didn't want there to be any type of cross fire going on. So I walked around the truck and got to the right side of Officer Johnson where the other officers were. And we're still giving announcements. Still trying to let the subject know to get out of the car. He did at one point, I think right, right when the first unit showed up. He had, it looked like, I'm not sure if he was you know pressing the gas or what was happening. But he ended up wrecking into another vehicle actually. Sorry I had to back track a little bit.

DAI Lacaso: OK.

Officer Rodriguez: So, when the first unit showed up. They were giving him announcements. We were all giving him announcements. Telling him to get out of the vehicle. And I, I don't know how long it was later. But, the subject eventually got out of their vehicle. And we're telling the subject to you know lay down. And show us his

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hands and one of his arms was, his left arm was like inside of like, underneath him as he laid down on his stomach. It was underneath him so we were telling him to get his left arm out. And he wasn't doing it. At first. And right after that we're still giving him announcements to you know take his hand out. And, not too long later after that officers went and detained him and we searched the vehicle to see if there's anybody else in there. And the vehicle was clear. But right after, sorry I'm back tracking again.

DAI Lacaso: It's alright.

Officer Rodriguez: Right after Officer Johnson had fired his gun, he had, aired that over the radio and had asked for medical to arrive on scene and. Yeah, and I was going back to when he was being detained the officers that were detaining him, let that be known over the air that they were detaining him. And that he was conscious. And you know we searched the vehicle and nobody was in there. And, that was kind of how it happened. But, like while it was all going on like it was. I mean, I mean he was trying to leave. He wasn't trying to stick around. He was wanting to leave and like at, when he first started hitting the gas the first time, like I mean I thought I was going to get hit. I got scared. So I, you know I started, I backed away from the vehicle. You know cause I didn't want to get hit.

DAI Lacaso: Right.

Officer Rodriguez: And once he hit the vehicle behind him, then I knew that he was, you know he was, he was wanting to leave. And he was willing to leave any which way he could regardless of who he hurt and who was around. So that to me, I was, I mean I was, I was scared. I mean not trying to sound any way. But, I was, I mean I was scared. I wasn't sure what he was going to do.

DAI Lacaso: OK.

Officer Rodriguez: He, he didn't seem too worried about the person that was behind him. So I would, you know he would be worried about somebody like me. I mean, I'm about, so that to me, I was in fear of that.

DAI Lacaso: OK. I'm going to show you some maps here Officer Rodriguez. Some, three different maps. Google maps. And let me know if they make sense to you. OK? But here's kind of a satellite image. Here's the freeway. Here's Filbert Street right here.

Officer Rodriguez: Mm hmm.

DAI Lacaso: Here's Washington.

Officer Rodriguez: Mm hmm.

DAI Lacaso: Same thing here. Doesn't show the satellite image. And then this here is going to be Filbert Street.

Officer Rodriguez: Mm hmm.

DAI Lacaso: Washington Street. And this is a zoomed in version.

Officer Rodriguez: Mm hmm.

DAI Lacaso: Does this make sense to you?

Officer Rodriguez: Yeah.

DAI Lacaso: The orientation here.

Officer Rodriguez: Mm hmm.

DAI Lacaso: This is going to be the south.

Officer Rodriguez: Yeah.

DAI Lacaso: And this is north.

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Officer Rodriguez: Mm hmm.

DAI Lacaso: And toward the freeway.

Officer Rodriguez: Mm hmm.

DAI Lacaso: And this is going to be east. And this is going to be west.

Officer Rodriguez: Mm hmm.

DAI Lacaso: OK. So as you guys responded. You indicated that you guys responded, you off the freeway?

Officer Rodriguez: Yeah, we were coming off of Highway 4.

DAI Lacaso: OK.

Officer Rodriguez: And we're turning south onto Filbert.

DAI Lacaso: South onto Filbert. OK, so you guys are traveling this way south?

Officer Rodriguez: So we're driving south.

DAI Lacaso: And then can you show me where you parked your patrol vehicle?

Officer Rodriguez: I parked my patrol vehicle probably, I mean pretty close to this one. I mean, his car was maybe like right, right where the driveway is here.

DAI Lacaso: Can you go ahead and just draw something there maybe.

Officer Rodriguez: His vehicle is probably about, I got a pencil. His vehicle was about right here.

DAI Lacaso: OK.

Officer Rodriguez: So when, when I turn, I turn in here. And I, I blocked him in. You know I was, I was closer to that. But his vehicle is initially there. And mine was there and I was kind of, a little angled. Probably a little less than that. It wasn't that angled. But.

DAI Lacaso: OK.

Officer Rodriguez: That's kind of how it was.

DAI Lacaso: And do you remember, were there. Obviously.

Officer Rodriguez: There was, there was cars parked here. There's a truck parked like right here at this corner where this tree was.

DAI Lacaso: Now you're.

Officer Rodriguez: And he was, I mean the vehicle is more in the middle of the street. That wasn't off to that side. The vehicle is more in the middle of the street. So when I pulled up, I was you know essentially here and he was, but he was in the middle of the street. He wasn't off to one side.

DAI Lacaso: OK. So you're indicating.

Officer Rodriguez: He's more in the middle of the street.

DAI Lacaso: The suspect vehicle was parked pretty much in the middle of Washington Street. Kind of in front of the first house?

Officer Rodriguez: Yeah.

DAI Lacaso: OK. And you're indicating that you pulled up to the vehicle at an angle, slightly toward the south west.

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Officer Rodriguez: Yes, slightly.

DAI Lacaso: OK.

Officer Rodriguez: I mean, it wasn't, it wasn't that. It, the way it's drew on here, it wasn't that much that I can remember. It was more, it was a little bit straighter then that.

DAI Lacaso: OK. So more straight on.

Officer Rodriguez: Right, yeah.

DAI Lacaso: Now do you remember, you indicated that there was a truck that was parked on the north curb line.

Officer Rodriguez: Yeah, the north curb line and I was facing west.

DAI Lacaso: OK, and what, do you remember any vehicles that were parked on the south curb line of Washington Street.

Officer Rodriguez: I don't.

DAI Lacaso: OK.

Officer Rodriguez: Yeah, I, I don't remember.

DAI Lacaso: OK. So, you said that Officer Johnson exited the passenger side of the patrol vehicle.

Officer Rodriguez: Passenger side of the patrol vehicle.

DAI Lacaso: OK. And he approached the drivers side.

Officer Rodriguez: The drivers side of his vehicle.

DAI Lacaso: OK. Did he go right up to the drivers side door?

Officer Rodriguez: Yeah, he, he had, as soon as he got out of the car. He walked up to the drivers side of the car.

DAI Lacaso: OK. And was the suspect's car door open at this time? Or was it closed?

Officer Rodriguez: It was closed I believe.

DAI Lacaso: OK. And were the.

Officer Rodriguez: But he look, he looked like he, you know. He wanted to leave. Like when we got there he looked like he was hesitant to, you know, the wheels. You can see his wheels moving, like he wanted to leave.

DAI Lacaso: OK. Were, was the window down in the front? Drivers side window, was that down?

Officer Rodriguez: Yeah, it was.

DAI Lacaso: Did you recognize any other windows down?

Officer Rodriguez: I think it was. No, I think the back window was up. I believe, I believe his front window was down. I, I honestly, I can't really remember.

DAI Lacaso: OK.

Officer Rodriguez: It might have been up.

DAI Lacaso: OK. Did you.

Officer Rodriguez: I really don't remember that.

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DAI Lacaso: Did you notice anyone else inside the vehicle besides the suspect?

Officer Rodriguez: No, he was the only one that I seen in there.

DAI Lacaso: OK. And did you see, was there people out and about on the street at all?

Officer Rodriguez: I, I wasn't paying attention to that. He was my main focus. I, I honestly can't remember if, if there were people out there or not. I wasn't really paying attention to what was going on around me. I was just paying attention to what was in front of me for the most part. Which was him.

DAI Lacaso: OK. So Officer Johnson approaches the driver side of the vehicle.

Officer Rodriguez: Mm hmm.

DAI Lacaso: And does he say anything to the suspect?

Officer Rodriguez: Yeah, he tells the suspect to let him see his hands and to get out of the car. And he's telling him. He's ordering the guy out of the car. And the guy's not listening. And, he then, the door was still closed. So he's telling the guy hey, get out of the car. Let me see your hands. And he's like, what's in your, you know, I don't really remember exactly what was said after that. But he's like, hey partner. Like right after he told him like, you know, get out. And the guy wasn't listening. Think he told him a couple times. And the guy wasn't listening. So that's when he had called me over and once I went over there to go assist him, he opened the door. And that's when I attempted to grab the guy's wrist and that's when he pulled away and shut the door on me.

DAI Lacaso: When you say he opened the door, do you mean the suspect? Or Officer Johnson?

Officer Rodriguez: I believe Officer Johnson opened the door.

DAI Lacaso: Opened the drivers side door?

Officer Rodriguez: (Yes)

DAI Lacaso: OK. And then you said you went you went to go in and grab the suspects wrist.

Officer Rodriguez: Mm hmm.

DAI Lacaso: OK, so were you standing in, if the, if the door's open like the V of the door. Were you standing in the V of the open door?

Officer Rodriguez: Yeah, I was.

DAI Lacaso: OK. So you went to grab the wrist.

Officer Rodriguez: Mm hmm.

DAI Lacaso: And he pulled away from you and shut the door?

Officer Rodriguez: Yeah, he pulled away and shut the door on me.

DAI Lacaso: OK. And you said your, he, the door hit your arm?

Officer Rodriguez: Yeah, it hit like, kind of like my forearm here.

DAI Lacaso: OK.

Officer Rodriguez: Not nothing too big. It's a little bump, but.

DAI Lacaso: So I see you have a little red mark on your left forearm?

Officer Rodriguez: Yeah, yeah. It's like a little bump here.

DAI Lacaso: OK. Now did Officer Johnson, was he aware that your arm got hit by the door at all?

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Officer Rodriguez: At the time I, I don't think so. I, I don't even remember if I said anything. But, I mean he knew he shut the door on me.

DAI Lacaso: OK.

Officer Rodriguez: I mean, I would think, I mean, cause I didn't shut the door. So, and right after the door got shut. Then that's when he took off. I mean, it happened really quick. He shut the door, you know.

DAI Lacaso: So he took off? Forward?

Officer Rodriguez: Yeah, he took off forward first.

DAI Lacaso: And this is when he hit?

Officer Rodriguez: Our patrol, our marked patrol vehicle.

DAI Lacaso: OK. And did he hit it, was it, was it with minimal force? A lot of force?

Officer Rodriguez: No, he hit it with a lot of force.

DAI Lacaso: How, what made you see this?

Officer Rodriguez: Well, I mean when it was all over, I mean our car wasn't even turned the same way. Our car wasn't even at the angle it was whenever I had initially parked it. The car was more angled towards the house. And that's not how we had parked the vehicle when we had first pulled up.

DAI Lacaso: OK. So you believe with the first hit he knocked the front end.

Officer Rodriguez: He knock, he knocked it moving it.

DAI Lacaso: OK.

Officer Rodriguez: But the second hit, is what really moved it.

DAI Lacaso: OK.

Officer Rodriguez: But the first hit, it, it moved the car.

DAI Lacaso: OK. So back toward the first hit, when he went forward and was in motion toward your patrol vehicle.

Officer Rodriguez: Mm hmm.

DAI Lacaso: Where were you and Officer Johnson standing?

Officer Rodriguez: We were right next to the car when it first happened. He shut the door and so we were still standing there and he put the car in drive and he drove.

DAI Lacaso: Right next to his vehicle.

Officer Rodriguez: Right, right next to his vehicle.

DAI Lacaso: OK.

Officer Rodriguez: And right after that, right after he started driving forward then we, both you know took a couple steps back.

DAI Lacaso: Toward the north?

Officer Rodriguez: North curb line.

DAI Lacaso: OK.

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Officer Rodriguez: By them. Kind of, it was in front of the pick-up that was parked on the north, north curb line or yeah. The pick-up that's parked on north curb line. We're.

DAI Lacaso: OK.

Officer Rodriguez: In front of that. But, still facing his drivers side door.

DAI Lacaso: OK. And once he hit the patrol vehicle, then he put it in reverse.

Officer Rodriguez: Yeah, he put it in reverse and he really hit the car behind him. Like he, he put it in reverse and he hit, you he, you can tell he pressed the gas hard because as soon as he put it in reverse the tires started chirping. Like you know errr, making the noise. And he hit the car behind him. And that car was damaged pretty good.

DAI Lacaso: OK. And what kind of (unintelligible 19.37.27).

Officer Rodriguez: And he kept, he kept going in reverse. So he kept going in reverse moving that car back as well. So when he kept moving that car, you know the tires spinning. And then he threw the car back in drive. And that's when he you know, pushed the gas again and the tires started chirping again and that's when he hit our patrol vehicle. Vehicle and Officer Johnson.

DAI Lacaso: So when he put the car in reverse. At a high rate of speed.

Officer Rodriguez: Yeah.

DAI Lacaso: You're saying he backed up into that vehicle.

Officer Rodriguez: Yeah.

DAI Lacaso: Did you, was that vehicle occupied? Could you see the inside?

Officer Rodriguez: Yeah, there was one. There was an older male, I believe it was. And older, I don't know what he was. Maybe an Asian or Hispanic. I'm not really sure.

DAI Lacaso: OK.

Officer Rodriguez: But he started, he, after he had hit him the guy kind of, the gentleman in the, in the vehicle behind him kind of turned. And there's like a little driveway. I think it was this driveway here. The second driveway. Yeah, because it wasn't this one. I believe it was the second driveway. So he had pushed them pretty far back. So as soon as he got far back the gentleman ended up parking his vehicle in this little driveway here. And he got out of the vehicle and as soon as he got out of the vehicle, I told him to stand near by. You know, to move away but to, to stay close by but.

DAI Lacaso: OK.

Officer Rodriguez: You know cause the guy just got in an accident with him, so.

DAI Lacaso: So now when this, when the suspect hit that citizen vehicle behind. And you're saying he hit it with enough force that it pushed the vehicle?

Officer Rodriguez: Absolutely.

DAI Lacaso: OK.

Officer Rodriguez: Pushed the vehicle back.

DAI Lacaso: Now when the suspect did this. Did he, did he seem concerned? Did he, did he make any attempt to get out and aid that citizen at all?

Officer Rodriguez: The suspect?

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DAI Lacaso: The suspect, yeah.

Officer Rodriguez: No.

DAI Lacaso: OK. He didn't seem concerned that he hit, hit anybody?

Officer Rodriguez: Not at all. No.

DAI Lacaso: OK. Then he, you indicated that he put it in drive.

Officer Rodriguez: Mm hmm.

DAI Lacaso: Again.

Officer Rodriguez: Mm hmm.

DAI Lacaso: And proceeded to move forward.

Officer Rodriguez: Mm hmm.

DAI Lacaso: Where were you and Officer Johnson standing when this happened?

Officer Rodriguez: We were. I was standing, I think Officer Johnson was, he was I think still a little bit more in the road. And I was, I was kind of by the, the truck. And he was still a little bit more in the middle of the road. And I was a little bit further back then he was. Kind of by the pick-up truck that was parked from what I can, from what I can remember. And yeah, that's when this guy started the Durango started proceeding forward again.

DAI Lacaso: OK. And as it came forward, did it, was it coming forward at a, what, what rate of speed was it moving forward?

Officer Rodriguez: He, he wasn't no. He wasn't coming forward. So since he moved, since he moved the car a little bit. The first time.

DAI Lacaso: The patrol vehicle?

Officer Rodriguez: The patrol vehicle.

DAI Lacaso: Uh huh.

Officer Rodriguez: I think he thought that he can get out on this side here on the north curb line side. Cause it looked like he probably thought he had enough room to get out. So it's after he got done hitting this vehicle. Then his direction of travel was like it looked like he wanted to get back onto Filbert Street where he, there was a little gap in between the curb and our patrol vehicle that was parked over here. So he started, you know, like that. Kind of north, north-east a little bit. In a sense right after he got done hitting that.

DAI Lacaso: OK. So.

Officer Rodriguez: Hitting that car.

DAI Lacaso: It sounds like you're, correct me if I'm wrong. That you're indicating that he would un, be unable to travel here on this south.

Officer Rodriguez: Yeah.

DAI Lacaso: South side of Washington Street.

Officer Rodriguez: No. He, he would not be able to.

DAI Lacaso: If he made an exit it would have to be on this north side.

Officer Rodriguez: Yes.

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DAI Lacaso: OK. Cause it was a little more space there?

Officer Rodriguez: Mm hmm.

DAI Lacaso: And where were you guys standing? You and Officer Johnson?

Officer Rodriguez: We were kind of by the truck that was parked here. We're still on the roadway though.

DAI Lacaso: OK. And were you in close proximity to Officer Johnson?

Officer Rodriguez: We might have been a few feet away from each other but we were facing the same direction.

DAI Lacaso: OK. And as he, as the suspect vehicle moved forward, this is when Officer Johnson shot toward the vehicle.

Officer Rodriguez: Yeah, he had hit, he had hit our, he had hit our patrol vehicle and Officer Johnson, that's when he shot the patrol, er shot the suspect vehicle.

DAI Lacaso: OK. Was the suspect vehicle still coming toward your direction or toward Filbert Street? Or was the?

Officer Rodriguez: Yeah, he was, he was going towards Filbert Street.

DAI Lacaso: OK. When Officer Johnson fired his firearm, was he, was the suspect vehicle past you guys? Had he already passed you guys?

Officer Rodriguez: (No) Excuse me, no. He was, I believe Officer Johnson shot at the vehicle as he was passing by us. I think he shot, or it might have been a little ahead. I think it was a little ahead of, of where he was standing. And then that's when he had shot into the vehicle.

DAI Lacaso: When you.

Officer Rodriguez: It's either right next to, it was either, he might have been like. I'm directly facing the driver side door as he started to open fire on the vehicle. And the vehicle was proceeding straight. And he opened off. Or he left off three to four rounds that I could remember.

DAI Lacaso: OK.

Officer Rodriguez: As he was proceeding straight. The suspect vehicle.

DAI Lacaso: Now correct me if I'm wrong. So you're indicating that Officer Johnson, as the suspect vehicle was passing Officer Johnson. Officer Johnson was pretty much right dead on with the driver as he fired? Like a 90 degree.

Officer Rodriguez: I don't know if he was right dead on. He might have been a little bit past them. From what I can remember. But I mean he possibly could have been right on with them.

DAI Lacaso: OK. And.

Officer Rodriguez: But, it looked like he was a little bit past them. When it had happened.

DAI Lacaso: OK. And, what, what was your, what was going through your head at this point?

Officer Rodriguez: I was scared. I mean I didn't know, I didn't know what he was going to do. I mean, I, I didn't know what this guy was, you know if he had any weapons in the car. Or why he was running. Or I mean I don't know, I was, I was scared. I mean I, I didn't know if he was going to try come after you know, try to hit one of us. And that, I, I don't know I mean that's just what I was thinking at the time. Then you know he could possibly be coming towards me. He could possibly be, be going towards my partner, Officer Johnson. So yeah, I was scared. I was in fear that you know. He was possibly going to hurt one of us if he had just got done you know hitting the car that was behind him.

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DAI Lacaso: OK. What do you know about this area of Filbert and Washington Street? Is this a quiet area? Is this a?

Officer Rodriguez: I'm, I don't know too much about the area.

DAI Lacaso: OK.

Officer Rodriguez: I've only been working the district with Officer Johnson for a few days. So I'm not too familiar with some of the problematic areas in this district.

DAI Lacaso: OK. Do you know if Filbert Street is at a, it, it's right off the freeway. Is that, like a major thoroughfare?

Officer Rodriguez: It's a pretty busy, it's a pretty busy street.

DAI Lacaso: Pretty busy street.

Officer Rodriguez: Yeah.

DAI Lacaso: OK. And then this appears to be residential here.

Officer Rodriguez: Mm hmm.

DAI Lacaso: On the west side of Filbert Street.

Officer Rodriguez: Mm hmm.

DAI Lacaso: And then what about, do you know anything about what's over here on the east side? Across?

Officer Rodriguez: I think they're apartment complexes. I believe they are. I think that's what they are, apartment complexes.

DAI Lacaso: OK. And I can't remember if I asked or not. Did you see folks out and about at this time of day?

Officer Rodriguez: I really, I really can't remember. I wasn't paying attention at who was out there. I was just paying attention to the subject that was driving.

DAI Lacaso: OK.

Officer Rodriguez: Which is the person driving the Durango.

DAI Lacaso: OK. When in route to this call. When you guys were initially dispatched. It shows up on a screen.

Officer Rodriguez: Mm hmm.

DAI Lacaso: I'm assuming. Did you and Officer Johnson talk about.

Officer Rodriguez: Yes, Since I.

DAI Lacaso: Tactical response or what, how you guys were going to handle this once you got there?

Officer Rodriguez: He, he was going over, he was just kind of reading off what was, what was on the call that we knew. And I think there's a couple things that were stated that she was there and that she wanted to talk to us. And she gave out the description of the vehicle that he was in. And that there was some type of battery between the male and the female. Like I said, I'm not sure if they're boyfriend, I can't remember if they're boyfriend and girlfriend or if they're husband and wife. But it sounded from what, Officer Johnson had read, it said that he was hitting, battering or you know how you want to say that. The female.

DAI Lacaso: So did it sound like to you a crime had occurred?

Officer Rodriguez: Oh yeah.

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DAI Lacaso: OK. And did you and Officer Johnson talk about how you were going to handle it once you got there?

Officer Rodriguez: No, not that I can remember. I don't think we talked about how we're going to handle it when we, when we showed up. We were just, he was just kind of reading it. And you know, he would refresh it and update me with you know additional information that was popping up on the screen. And you know once we're on the freeway, I think that's when he told me what the person was driving and what she was wearing.

DAI Lacaso: OK.

Officer Rodriguez: And we were only on the freeway for a little bit and then we got off.

DAI Lacaso: OK. Did the victim, once you got on scene. Did the victim flag you guys down or make herself known to you guys at all?

Officer Rodriguez: No, I just seen the vehicle matching the description that was given. It was like a '05 white Durango. And it looked like a newer white Durango. That was pretty much at the location they were telling us about. Which was Filbert and Washington. And I didn't, I didn't see her. I don't know if she was, she was there or not. I can't remember.

DAI Lacaso: OK. And a white Durango? Is that an SUV?

Officer Rodriguez: Yes, it's an SUV.

DAI Lacaso: OK. Earlier you had mentioned that the driver, you were describing him and you, you mentioned that he had four dots?

Officer Rodriguez: Yeah, four dots.

DAI Lacaso: On his face somewhere.

Officer Rodriguez: On his, below his left eye. Were like really dark tattoo dots. On his, below his left, left corner of his eye.

DAI Lacaso: OK. Do you, does that mean anything to you? Any significance?

Officer Rodriguez: I think, I think, I mean that to me that, I know that it has something to do with gang affiliation. With the Norteño gangs. That when you see four dots it's supposed to be affiliated with the Norteño gang.

DAI Lacaso: OK.

Officer Rodriguez: And he was wearing a red jersey. And that to me was another indicator that. You know it was. was possibly gang affiliated. I'm not really sure if he was or not. But.

DAI Lacaso: OK.

Officer Rodriguez: I mean with that.

DAI Lacaso: Are you familiar with any of the crimes that gang members or Norteño gang members commit here in the city of Stockton?

Officer Rodriguez: Like what do you? Like what crimes they commit?

DAI Lacaso: Yeah, what, you know what they've been arrested for? And if you don't, that's OK.

Officer Rodriguez: Yeah, I don't know. I mean, I'm not sure what they, what kind of crimes they do. I mean, it could be a various of different crimes. I don't know.

DAI Lacaso: Do you know them to be violent?

Officer Rodriguez: The, yeah. I would think so. I mean they, they're gangs so.

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DAI Lacaso: Being that you're only about two months and five days on. Have you had any other previous calls like where you've had to use force or any, any weapons on your tool belt?

Officer Rodriguez: Like my cuffs. I mean I never had to use, I haven't had to use like nothing else. I mean, I handcuff people I've never had to use my baton or pepper spray, anything like that.

DAI Lacaso: OK.

Officer Rodriguez: And by my cuffs I just mean by placing people in handcuffs.

DAI Lacaso: Put them in back of the car. Detective Dewing do you have anything while I look over some of my notes here?

Detective Dewing: I have kind of a hodge podge of questions. Just notes I've been taking during this whole thing. OK?

Officer Rodriguez: Mm hmm.

Detective Dewing: So, prior to getting hired with the Stockton Police Department. You went through an academy right?

Officer Rodriguez: Yes, I did.

Detective Dewing: And, you went through like defensive tactics and all that stuff and use of force options, right?

Officer Rodriguez: Yes, I did.

Detective Dewing: But no prior law enforcement experience prior to working here?

Officer Rodriguez: No.

Detective Dewing: And then no, no military or anything?

Officer Rodriguez: No.

Detective Dewing: From the time that you got dispatched to the time that you actually were on scene or when you first noticed the white Durango. If you had to estimate that amount of time, what would you say? Was it fairly quick?

Officer Rodriguez: Yeah. It was fairly, fairly quick. We weren't too far away from, from the call location where it was at.

Detective Dewing: And so, there was a minimal discussion in regards to how you guys were going to initially handle the call?

Officer Rodriguez: Yeah. We had got dispatched to the, to the call location. So as soon as we got dispatched we mapped it out. There's a map that's on there. So we pulled up the map and kind of got a, you know rough estimate of where it's going to be at. And since you know I've only been driving for a little bit. I'm still trying to, you know figure out some of the areas of the city.

Detective Dewing: Mm hmm.

Officer Rodriguez: So we kind of discussed that. Which way we're going to get there. And as we're on our way there. He pulls up the call. And starts reading the call and like I said, as we're you know driving there. Then he's updating. He's refreshing the screen as it's, you know, you know to see if there's any updates. Which there was updates and he let me know that prior to us arriving there.

Detective Dewing: Was there any discussion in regards to various use of force options? And I'll say for example like did you guys have a discussion of Officer Johnson's gun and have his gun or his taser out and you're going to have something less lethal to include like your baton or anything?

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Officer Rodriguez: No.

Detective Dewing: OK. So, as you position your car, what, what made you block the suspect vehicle in?

Officer Rodriguez: When I initially seen like he was, it looked like he wanted to leave. Like, you know as soon as he seen. Like it looked like when we were, you know turning the corner to turn on the, to Washington, like his car started moving forward a little bit. So I pulled up in front of him. You know, in a attempt to make sure he wasn't going to drive away.

Detective Dewing: And why didn't you want him to drive away?

Officer Rodriguez: Because I mean, from what I had knew a crime had been committed. And the female was still on the phone prior. I think she was, I'm not sure she was still on the phone or she had just gave a call, you know not too long before we had shown up. And said that she wanted to speak with us and said that this guy was you know had, there was some type of battery incident. And that he was still there causing a, causing a disturbance with her.

Detective Dewing: So, to the best of your knowledge you believed that the guy that you were blocking was the suspect in the call that you were responding to.

Officer Rodriguez: Yeah.

Detective Dewing: And that this person had already committed a crime?

Officer Rodriguez: Mm hmm.

Detective Dewing: And that's why you blocked him in?

Officer Rodriguez: Mm hmm.

Detective Dewing: So you had clarified that when you reached in you used your left hand to reach and you grabbed the suspects left hand?

Officer Rodriguez: Yeah.

Detective Dewing: Where on his?

Officer Rodriguez: His left. Like his left, like right above his wrist.

Detective Dewing: OK.

Officer Rodriguez: So right where his like bone of his wrist is, like you know, pretty much right there. Right above that.

Detective Dewing: And when you went hands on, what was your intention?

Officer Rodriguez: To grab him and pull him out.

Detective Dewing: To do what?

Officer Rodriguez: To detain him and try to figure out what, what. You know what situation. What we had going on.

Detective Dewing: OK. When you initially grabbed him, did you say anything? If you remember?

Officer Rodriguez: I don't remember. I think I might have told him, hey step out of the car or get out of the car. I really can't remember. Think I might have told him to step out of the car.

Detective Dewing: And you had clarified that you don't recall seeing any other people in the immediate area. That you were focused on him?

Officer Rodriguez: Yeah, I, I really can't remember if there was people. I mean, there might have been people out

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there. Wasn't really paying attention.

Detective Dewing: OK. When you initially pulled up, you had made the comment that the wheels were moving. Or wheels were moving. And you made that in reference to the suspect.

Officer Rodriguez: The suspect.

Detective Dewing: And the suspect vehicle?

Officer Rodriguez: Yeah.

Detective Dewing: Did you mean that literally? Did you literally see or hear his wheels moving or was that more of like a figuratively speaking you saw his wheels moving like.

Officer Rodriguez: No, no, like I seen the vehicle like moving positions.

Detective Dewing: Start to go forward?

Officer Rodriguez: Starting to drive forward.

Detective Dewing: OK. An estimation of distance between where you stopped your car.

Officer Rodriguez: Mm hmm.

Detective Dewing: Your patrol car. And from how far away was his car? Could you estimate that distance? Like if you had to use maybe this room. Was it more or less space?

Officer Rodriguez: It was less space from wall to wall.

Detective Dewing: Less space?

Officer Rodriguez: Mm hmm.

Detective Dewing: But were you nosed up like actually bumper to bumper?

Officer Rodriguez: No.

Detective Dewing: With him?

Officer Rodriguez: No. No I was not.

Detective Dewing: With?

Officer Rodriguez: I did not make contact with his, with his vehicle.

Detective Dewing: OK. When he backs up and crashes or hits the car that's behind him.

Officer Rodriguez: Mm hmm.

Detective Dewing: If had to estimate that distance, would you be able to say how far that was?

Officer Rodriguez: Like how far he pushed the vehicle back?

Detective Dewing: No, from where he started to where he initially comes in contact with that other car.

Officer Rodriguez: Oh, I don't know. I don't know how close that other vehicle was behind him.

Detective Dewing: So you wouldn't be able to.

Officer Rodriguez: Yeah, I'm not sure. I don't know how close that vehicle was behind him.

Detective Dewing: At what point do you actually notice that there's a car behind him?

Officer Rodriguez: It's, I mean as soon as he started reversing. Cause as soon as I walked around, I, like I said, I

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mean I was focused on him. And so I wasn't paying attention to who was behind. So as soon as he shut the door and I started walking back and he put the car in reverse and that's when I seen there was another car behind him.

Detective Dewing: OK. When you go and you tell that the citizen, the bystander.

Officer Rodriguez: Mm hmm.

Detective Dewing: You addressed him. Could you see if he was injured at all?

Officer Rodriguez: I, I couldn't tell. The person driving the vehicle you're saying?

Detective Dewing: Yeah.

Officer Rodriguez: Yeah, I couldn't tell.

Detective Dewing: Did you ask?

Officer Rodriguez: No. I didn't. I just told the person to stand off to the side so you know we could talk to him as soon as we were.

Detective Dewing: Finished with all this?

Officer Rodriguez: Yeah, trying to figure out the situation. What was going on here.

Detective Dewing: OK. You had mentioned that you initially, when you first got on scene that you immediately drew your handgun. Right?

Officer Rodriguez: Well like I'd, I'd stepped out. And I drew my handgun.

Detective Dewing: And why did you draw your gun versus any other force options?

Officer Rodriguez: Because he was starting to drive already. So at that point I mean I started, I mean wasn't, I didn't know if this guy was going to drive forward or not. So as soon as I turned the corner I noticed the key was already starting, like I can see the, the wheels on his, the you know, his vehicle starting to move forward a little bit. So as soon as I seen that and I put the car in park and I got out, then that's what made me think I don't know what this guy is going to do. He could, you know possibly hit the car, hit me. So that's what made me draw my gun out. When I first, when I got out of the car.

Detective Dewing: Have you been to any calls where a vehicle's been used as a weapon?

Officer Rodriguez: No.

Detective Dewing: Have you heard.

Officer Rodriguez: Like a patrol vehicle?

Detective Dewing: No, like a any type of vehicle. Have you been on a call where someone has used a vehicle as a weapon?

Officer Rodriguez: Oh no.

Detective Dewing: Have you heard of any calls where someone's used a car as a weapon?

Officer Rodriguez: Have I heard of any calls like ours? Yeah, like I've seen videos.

Detective Dewing: So you've seen videos where someone's been driving a car and.

Officer Rodriguez: They use it as a, a weapon. Yeah.

Detective Dewing: OK. Can you describe the suspect in the car?

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Officer Rodriguez: Looked like.

Detective Dewing: You had mentioned he was Hispanic.

Officer Rodriguez: I, I mean I'm not sure. He looked like he was a Hispanic male. But I'm not sure what he was. I could see he was, you know he had long black hair and the tattoo like I said is just what stood out to me. I, I seen that when I, you know first made contact with him and opened the door. And he was wearing like a red, a red jersey. And that's kind of what I can remember it looked. Yeah, I mean he might have been Hispanic. He might have been something else. I'm not really sure.

Detective Dewing: Did you notice any other tattoos on him?

Officer Rodriguez: No, I didn't. I didn't really get a good chance to look at anything else on him. I didn't see any that I remember any tattoos on his, on his forearm when I grabbed it.

Detective Dewing: How old did he look?

Officer Rodriguez: Maybe mid twenties. Mid to late twenties. Early thirties.

Detective Dewing: Did he have any facial hair?

Officer Rodriguez: No. Looked like he didn't have any facial hair.

Detective Dewing: You could describe his build. Could you see about tall he was?

Officer Rodriguez: He was sitting down in the car. So I couldn't tell. He looked like a thinner build. I couldn't tell how tall he was because he was sitting in his car.

Detective Dewing: OK. So, when he rams your patrol car the second time and Officer Johnson fires his duty weapon at him. You think three to four times. Once he does that what do you guys do? Or what I should say, what do you do? Once Officer Johnson fires his weapon, what do you do?

Officer Rodriguez: Well I mean, I have, I had my duty weapon out. Cause I, when ever I first walked up I reholstered my weapon. So whenever he did that. Whenever he started you know approaching again, I had my duty weapon out and I had it, you know pointed. In his direction. But, I didn't fire from what I can remember it looked like there was going to be some type of cross fire between myself and Officer Johnson. So I didn't. I didn't fire my weapon.

Detective Dewing: OK. And did you approach the suspect vehicle?

Officer Rodriguez: No.

Detective Dewing: After it hit the second time?

Officer Rodriguez: No.

Detective Dewing: When other officers arrived on scene, what did you do?

Officer Rodriguez: I stood, I stood by, you know on the north curb line. And Officer Johnson and myself were giving announcements and other officers arrived and they gave announcements. So when other officers showed up, and I was standing with Officer Johnson. I was behind Officer Johnson for I don't know how long. I, I don't know how, how long it was. Maybe I don't know how long it was honestly. It wasn't very long. But then I realized that I was in another cross fire situation. So I ran around the truck that was parked on the north curb line and I got to that side where I can get a better view of the suspect vehicle and the person inside the vehicle.

Detective Dewing: So once the suspects taken, or he gets out of the car. His own car.

Officer Rodriguez: Mm hmm.

Detective Dewing: And he's put into cuffs and then who renders medical aide to him?

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Officer Rodriguez: I believe, we, Officer Johnson had aired for a medical to show up on scene. And I think medical staff had showed up. And they might have been close by or they were already there. I, I can't remember I wasn't, I didn't really see that. After they detain him I went and I searched the vehicle so I didn't really get to see who it was that was rendering medical aide. Because my focus was on the vehicle and making sure there wasn't any potential suspects inside the vehicle.

Detective Dewing: Was there anyone else inside?

Officer Rodriguez: No body was inside the vehicle.

Detective Dewing: And did you locate any weapons on the suspect or inside the vehicle that you knew of?

Officer Rodriguez: I.

Detective Dewing: Or that you located personally?

Officer Rodriguez: No, I didn't.

Detective Dewing: So once the scene is stabilized, what happens? What do you do?

Officer Rodriguez: Well right after all that happens, I mean, after we clear the vehicle I put my gun back in the holster and I start talking to the supervisor. Cause supervisor had been on, had arrived on scene. Not too long after. I'm not sure how long it was, but, right after he had hit the vehicle the second time and Officer Johnson had fired his weapon.

Detective Dewing: And, you talk with the supervisor on scene.

Officer Rodriguez: Mm hmm.

Detective Dewing: And then how do you get to the investigations building?

Officer Rodriguez: Officer Braga drove me here.

Detective Dewing: And did you guys stop anywhere or did you go anywhere else between when you were on scene to here?

Officer Rodriguez: No. We drive straight here.

Detective Dewing: Straight here? How did, when all of this was going on and this guy initially hits your car the first time and then backs into that citizen and hits your car a second time. How did that make you feel? You'd said you were in fear?

Officer Rodriguez: Absolutely. I was in fear. I mean, I mean I didn't know what was going to happen. I mean there's just, I mean it all happened so fast that, I mean the only thing I could remember is being fearful. And fearing for my life. I don't, I mean. Like I said it was, as soon as I first pulled up, you know it looked like he was starting to proceed straight. So to me that was an indicator that you know he wanted to leave. And so, yeah I was, I was fearful. I was scared.

Detective Dewing: OK. Think that's all.

DAI Lacaso: OK. When I was talking to you earlier, you had said that when you first arrived on scene and you saw his vehicle moving. You said he had a look on his face. Like a look like you know, I'm going to get out of here. Can you explain more what you meant by that?

Officer Rodriguez: No. I mean I, I don't, I mean, I'm not sure if I mean to say that or not. I mean just the way the vehicle was moving and stuff, it looked like he, the person wanted to leave.

DAI Lacaso: OK.

Officer Rodriguez: I mean I couldn't really see what the person looked like prior to, to us showing up and me

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